APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

December 19, 2006

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

Also Present: Richard Baldelli, Zoning Enforcement Officer

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

PENDING ITEMS

1. ***Appointment*** of Aimee Pardee, Wetlands and Conservation Inspector, as a second Inland Wetlands Agent for the Town of Ridgefield.

   Chairman Mucchetti explained that Aimee Pardee had completed the required CTDEP training and was now certified to qualify for appointment as a second Inland Wetlands Agent for the Town of Ridgefield.

   Mr. Katz motioned, seconded by Mr. Slavin, to appoint Ms. Pardee as Agent. The Chairman asked Agent Brosius to explain what this appointment means to the department and to the Inland Wetlands Board.

   Agent Brosius explained that the State statutes for wetlands include language authorizing the local wetlands agency to appoint an agent or agents to enforce the local regulations. The requirement for appointment is the completion of a three-part training session offered by the DEP. She pointed out that any of the Board members could also be so qualified if they completed the DEP training within one calendar year. Aimee has successfully completed the course in 2006.

   Ms. Brosius said that Ms. Pardee has diligently carried out the responsibilities of her position, she has the expertise and the knowledge to enforce the regulations, and she has an excellent manner of dealing with residents and builders in the administration of the wetlands regulations. She writes excellent letters and reports, and currently processes all of the administrative permits. The appointment would permit her to sign off on administrative permits herself, as Agent. Because Ms. Pardee is part-time, it makes sense to have two agents, and Ms. Brosius would continue to work with Ms.

Pardee on administrative permits, inspections and complicated matters that require discussion, policy decision and supervision.

Mr. McChesney asked if the appointment would result in a change in her personnel classification. Ms. Brosius explained the position is part-time, and it does not change the classification or the title, but it gives her more authority to process the administrative permits on her own, and provides support for a well-deserved increase in salary. She said that Ms. Pardee is due for her one-year evaluation and this appointment would be part of the discussion and review of the personnel evaluation with the HR director.

Dr. Autuori pointed out that he had spoken to Ms. Pardee, and learned that she has a bachelor's degree in biology and a minor in chemistry, and that she has nearly completed her master's degree in environmental science. She is obviously academically qualified for the position.

Chairman Mucchetti reiterated that this does not change Ms. Pardee's job description nor change her duties or part-time status, but it will give her more authority to handle administrative permits, and would support a salary increase at the time of annual review. She called for a vote on the earlier motion and second, to appoint Ms. Pardee as the second Wetlands Agent for the Town of Ridgefield. The motion passed, 9-0.

2. **#2006-127-SR:** Summary Ruling application for activities in the upland review area in conjunction with construction of single-family residence on 3.75 acres of land located on **Water's Edge Way** in the RA zone. Owners/Appls.: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara & Gustafson, P. C. *For receipt/schedule walk/discuss determination of significance/schedule public hearing if needed. 65 days to commence public hearing ends 2/22/07.*

Chairman Mucchetti asked for a motion to receive the application and to schedule a walk. January 7th, 2007, was suggested for the site walk.

Dr. Autuori motioned, seconded by Mr. Slavin, to receive the application and to schedule the walk as suggested. The motion passed, 9-0.

Chairman Mucchetti said that Agent Brosius would like the Board to look at the maps that were submitted, and to consider making a determination of significance based on the activities that were proposed and shown on the site plan. The Agent has also suggested that an outside consultant be retained to assist in the technical review.

Agent Brosius distributed a copy of a section of the wetlands regulations pertaining to the definition for "significant activity," as well as the requirements for reviewing a plenary application. She said the application was submitted as a summary ruling application, but virtually the entire development of the lot takes place within the upland review area. A new home is being proposed on a little peninsula of land that juts into Fox Hill Lake. She said it warrants careful review, and the plans are lacking in detail.

There is no construction sequence, and the amount of fill or grading required for the development is not specified. She recommends raising the application to a plenary level and notifying the applicant of several deficiencies in the plans. She would consult with Wetlands Inspector/Agent Aimee Pardee to develop a list.

There was some discussion about the location of the property, and the fact that there is approximately 0.75 acres of dry land on the ±3.77-acre lot, with the rest of the area in the water. Several Board members thought there had been a previous application or wetlands violation involving this property several years ago. ZEO Richard Baldelli thought the violation might have had something to do with an unauthorized driveway. The Agent will research the history of the lot.

Chairman Mucchetti said that regardless of history, this is a new map and a new application. She asked for action on the Agent's request to consider raising the review to a plenary level, indicating significant activity. **Dr. Gelfman** made the motion, seconded by Mr. Slavin.

In discussion, there were some questions about the word "tie line" on the map, and what it meant. Mr. Fossi said that topographical information would be needed, especially in the areas where development was proposed.

The Chairman called for the vote on raising the application to plenary, and the motion passed, 9-0. She suggested a public hearing date for February 20, 2006, and all of the Board members were in agreement. She reiterated that (1) the application was received, (2) a walk date was scheduled for 1/7/07, (3) the application was raised to a plenary level because it is perceived to be significant activity, (4) the Board authorizes the Agent to seek an outside consultant for technical review, and (5) a public hearing has been scheduled for 2/20/07.

3. **#2006-129-REV-SR:** Revision to previously approved Summary Ruling for minor modification to accessway. Property located on **Lot 33, Dogwood Drive** in the RAA zone. Owner/Appl.: Thomas Dwyer. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65-days to commence public hearing ends 2/22/07. For receipt and schedule public hearing.*

Chairman Mucchetti asked for a motion to receive the application and to schedule a public hearing, and to schedule a walk if needed. The applicant seeks to revise an application that was previously approved by the Board. She asked the Agent to explain the need for a public hearing, following the Agent's discussion with counsel.

Agent Brosius said that since a hearing was held on the first application, and since several members of the neighborhood spoke and asked questions, a hearing on the revision was recommended. The hearing would also permit the neighbor to the north, who has taken an appeal on the Board's previous decision, to comment on the revised plans. This was a difficult application, and although it was approved, it is likely that neighbors would like to comment.

She explained the change, noting that the access was originally designed to meet a 12% grade, although it is not legally defined as an "accessway" under the Ridgefield zoning regulations. It is a pre-existing, non-conforming access. The revised plans propose less fill at the entrance to the access, across the right-of-way on the property of the owner to the north, and a steeper driveway grade to the proposed house location (15%). The decrease in fill at the entrance to the lot means that the steeper grade is needed to reach the house location.

Dr. Gelfman motioned to receive the application and to set the public hearing for February 6, 2006, with no site walk required. The motion was seconded by Mr. Slavin, and passed, 9-0.

BOARD WALKS

As noted above, the Board scheduled a walk for item **#2006-127-SR:** Summary Ruling, **Water's Edge Way**, Hearing and Hearing, Inc., for 1/7/07.

REQUESTS FOR BOND RELEASE/ REDUCTION

- **#2004-047-WV:** request for release of $2,000 bond posted for wetlands mitigation plantings, **129 Nod Hill Road**. Wetlands Inspector recommends full release.

Mr. Katz motioned to release the bond as recommended by the Wetlands Inspector. The motion was seconded by Dr. Autuori and passed, 9-0.

CORRESPONDENCE

Chairman Mucchetti pointed out a letter sent to First Selectman Rudy Marconi from the Norwalk River Watershed Initiative. The letter requests funding support for a watershed coordinator position. The Chairman noted that the Town gave $500 to the NRWI in 2006, and $2,500 was being requested for 2007.

Agent Brosius pointed out that NRWI has suggested a training program in Erosion and Sedimentation Control as part of its activities for 2007, and this might be a benefit for municipal officials, developers and contractors who do work in the Town. The Chairman said that this program could be publicized and promoted at a meeting.

Mrs. Willis said that it is important to support the funding of continued water testing of the Norwalk River, handled by Dick Harris. There was some discussion about the difference between the Norwalk River Watershed Initiative and the Norwalk River Watershed Association, and the duties performed by each. Dr. Gelfman said that the two agencies are often confused in the public mind: NRWI is a creation of the government and is funded by government contributions; the NRWA funds the water testing and it is an important function. He feels Town resources would be better spent with the NRWA, or with direct funding for the water testing.

After some discussion, it was decided that the letter of request from NRWI to the First Selectman stood on its own, and that no additional letter would be sent from the Inland Wetlands Board.

MINUTES

Mr. McChesney motioned to approve the minutes of December 5, 2006, seconded by Mr. Katz. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

December 19, 2006

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

Also Present: Richard Baldelli, Zoning Enforcement Officer

At 8:05 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

Mr. McChesney motioned, seconded by Dr. Autuori, to reverse the order of the items on the agenda, and to discuss item #1 last. The motion passed, 9-0. Item #1, below, was discussed following all other items on the agenda.

1. ***Commission discussion*** –Summary of changes and draft of proposed regulations.

   Chairman Mucchetti opened the discussion by suggesting that the Commission go through the draft proposed regulations page by page, and discuss as needed. She informed the Commission that the Planner and the ZEO had already met to earmark items for change or discussion. This draft document was intended to include revisions made as a result of previous work sessions with consultant Glenn Chalder.

   Generally, the review moved quickly through the pages, with few corrections. Items where discussion was lengthier included the following:

   - Minor changes to several definitions, addition of definitions for "façade" and "ridgelines"
   - Need to refine definitions under "landscaping terms"
   - Elimination of definition for "livestock"
   - In residence zones and business zones sections, need to change the sequence/order of the permitted uses, so that like uses are grouped together and primary uses are listed at the beginning of the section
   - Elimination of the regulation for "keeping of horses or livestock" because there are too many un-answered issues, and because details need to be worked out
   - Addition of restrictions for keeping of commercial vehicles on residential property, need definition for "commercial vehicle"

- New concept: Addition of new provision in 3.6, "Dimensional Exceptions," to allow trade-off of allowed second floor area for increased lot coverage on the ground floor, by Special Permit and with deed restriction
- Proposed ARHD zone – simplify the statement regarding permitted accessory uses, since Commission can permit/limit appropriate uses under the Special Permit
- Allow pre-existing automotive uses in B-2 zone to be modified only under Special Permit, no new automotive uses to be allowed
- Emphasize that B-2 and B-3 zones are "non-retail"
- Eliminate the new concept "Planned Development District" now, for possible consideration in the future
- Changes needed in the proposed sign regulations because of recent amendments for temporary special event signs and real estate directional signs
- In exterior lighting regulations, give Commission discretion to allow up lighting and/or other lighting not usually permitted under the regulations, with Special Permit required, if intent of regulations can still be achieved
- Confirm addition of new section for "Character Resource Preservation" to provide method for preservation of historic and significant structures even when lot coverage is exceeded (Special Permit required)
- Need to check proposed new environmental standards for Special Permit approval with Commission counsel
- Discussion about "police power" of zoning enforcement, especially for inspections, and confirmation that regulations are in conformance with authorization granted by State statutes

The Zoning Enforcement Officer and the Planner will continue to refine the requirements listed in the Appendix (requirements for submission of applications to staff and to the Commission). The draft for public hearing should be completed within two weeks, after the holidays.

Chairman Mucchetti would like the public hearing to be held at the end of January, but the Planner felt that February 13th would be a more realistic date, because of the need to prepare the documents for proper legal notice, and the need to finalize the proposed zoning map (which needs to be a part of the public hearing process, and must be adopted to reflect changes in the zoning regulations). The draft regulations also need to be prepared in a format for posting on-line, on the Town's website. The scheduling of a public hearing will be finalized at the Commission's regular meeting on January 2, 2007.

NEW ITEMS

2. **#2006-018-REV:** exterior building lighting at 901 Ethan Allen Highway. *For discussion.*

   Chairman Mucchetti explained that the item had to do with lights that are on the sides of the building, and that the Commission members had been asked to visit the site at night in order to make a determination as to whether the lights are in conformance with

zoning regulations. Upward lighting is prohibited in the regulations, and it appears that these lights may not be in conformance.

Mrs. Willis is concerned about fairness; all applicants are asked to change existing lighting to bring it into conformance with the regulations. Even though these lights are already there, the Commission should apply the same standards as with other applicants. Mr. Katz agreed, and said that office personnel have a difficult time if different standards are applied to individual applicants.

Mr. McChesney does not think the lights are objectionable, and he does not feel that they violate the intent of the lighting regulations. These are decorative, and they do not shine above the top of the building. It is not offensive.

Mr. Katz says that this is a similar problem to the discussion held about the fitness center at the same location. The lights are not offensive, but the existing regulation does not permit them. They are not offensive to the eye, but they are offensive to the regulation. We either have a standard or we don't. We need to ask applicants to comply with the standard that is in place.

Chairman Mucchetti asks if taking out the light bulbs or putting a cap on the existing fixtures would bring them into conformance with the regulations. Mr. Katz does not want to be specific with proposed solutions – that should be left up the applicant, as to how compliance can be achieved.

The Chairman reiterated that only a determination by the Commission as to compliance was needed – are the lights in compliance or not?

The Planner explained that the question came about as a result of a letter written to the property owner by ZEO Richard Baldelli, but pointed out that the new lighting regulations, which may be adopted in a few months, allow the Commission more discretion to allow lights like these, if they meet the "intent" of the regulations. She feels that giving the Commission more discretion to make determinations in individual cases makes sense, rather than requiring replacement of lights that meet the "intent" but do not meet the literal interpretation of the law, and rather than amending the regulations every time a new exception is discovered. The Chairman's suggestion to temporarily "fix" the lights is a good idea. This is a perfect example of where the new regulations will allow the Commission the reasonable discretion it needs to make a sensible decision.

Chairman Mucchetti said there was no application, and asked what the Planner needed from the discussion. The Planner said that only a determination of compliance was requested. The consensus of the Commission is that the lights are <u>not</u> in compliance.

The Planner will consult with Zoning Enforcement Officer Richard Baldelli regarding further action.

COMMISSION WALKS

There were no walks scheduled.

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- A newspaper article about the adoption of a new Plan of Development in North Salem, NY, which adjoins Ridgefield.
- An article from the Wall Street Journal about Robert Toll of Toll Brothers, Inc.
- A copy of a discussion from the Connecticut Planner's on-line forum, pertaining to the regulation of livestock. (Planner Brosius started the discussion on-line, in relation to the Town's proposal to establish an ordinance for animal control.)
- A copy of the court decision about Pamby's Motors signs.

MINUTES

Mr. Katz motioned to approve the minutes of December 5, 2006, seconded by Mr. Slavin. Mrs. Willis offered some minor corrections. The motion to approve the minutes passed by a vote of 9-0.

[At this point, the Commission returned to item #1, for discussion.]

Hearing no further discussion after the discussion in item #1, the Chairman adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning