

APPROVED/REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

July 5, 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: Betty Brosius, Inland Wetlands Agent  
Linda Caponetti, Recording Secretary

*A public hearing was held prior to the meeting.*

At 8:45 p.m., Chairman Mucchetti called the meeting to order. The Chairman then introduced new Recording Secretary, Linda Caponetti, to the Board.

**PENDING ITEMS**

1. **#2006-048-SR:** Plenary Ruling application to conduct regulated activities in upland review area for construction of a single-family two-bedroom residence. Property located on west side of **Wilton Road East**, north of intersection with Split Level Road in the RA Zone. Owner: Earl A. Burchard. Auth. Agent/Appl.: Richard E. Kent, ASLA, Environmental Design Associates, PC. *Received 5/23/06, walked 6/4/06. Raised to Plenary Ruling June 6, 2006. Public hearing opened 7/5/06, continued to 9/5/06.*

**Mr. Katz** motioned to table the application, because the hearing had been continued to September 5<sup>th</sup>. The motion was seconded by Dr. Autuori, and the motion passed, 9-0.

2. **#2006-050-PD:** Summary Ruling application to dredge pond and remove island located at **311 Peaceable Street** in the RAA zone. Owner: Matt Grossman. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 8/10/06. Received June 6, 2006, walked 6/18/06, tabled 6/20/06. For action.*

**Chairman Mucchetti** noted that Mr. Nazzaro was present and had provided a planting plan prepared by Kate Throckmorton of Environmental Land Solutions. The plan was at the table, having been received that evening.

**Mr. Nazzaro** commented that Mr Fossi had concerns about the wetlands being filled and turned into a lawn. Mr. Nazzaro stated that this was not the intent of the owner, Mr. Grossman. They observed that the plant variety in the area was “quite significant,” and explained that they would like to incorporate that into three planting shelves around the pond to facilitate the mitigation buffer along the pond edge, as well as incorporating a conservation mix grass seed and mowing that periodically. In the area around the pine trees, an erosion control mixture would be used. They would mow a 4’ wide pathway down to the pond. Mr. Nazzaro said that, “Essentially, the plan would remain the same”. He reiterated that the intent was not to turn this area into a manicured lawn, but, to “make that pond part of the property and take out the sediment that is in there now.” He noted that, “...for the record, there needs to be an aerator placed in the pond,” as there is not enough circulation. He said that the fountain type aerator is more effective in dispersing the water into the air.

**Mrs. Willis** was in favor of having a buffer around the pond rather than running the mowed 4’ path right up to the pond edge. Mr. Nazzaro agreed. Mr. Katz suggested a 4’ path leading up to an 8’ buffer.

**Inland Wetlands Agent** pointed out that this plan was reviewed by Inland Wetlands Inspector Aimie Pardee, who thought it was a “substantial improvement over the original plan”. The Agent also pointed out that there had been some concern expressed on the walk about the location of the spoils. She stated that it was made clear to her by Kate Throckmorton that “the spoils in excess of the grading plan will not remain in the wetlands area.”

**Mr. McChesney** motioned to ask the Inland Wetlands Agent to draft a resolution of approval for the application with the conditions that had been discussed relative to the path, the spoils location, and the plantings. The motion was seconded by Mr. Slavin. The motion passed, 8-0-1, with Mrs. Willis abstained because she hadn’t walked the site.

## **NEW ITEMS**

3. **#2006-062-REV-IW**: Revision to Summary Ruling application, as required by Sec.11.9 of the IWWR, for mitigation and restoration of the wetlands on property located at **13 Cedar Lane** in the RAA zone. Owners: William & Nicole Kynast. Appl./Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65-day action period ends 9/8/06. For receipt/review/action.*

**Mr. Katz** motioned, seconded by Dr. Autuori, to acknowledge receipt of the request for revisions to the original wetlands approval. The motion passed, 9-0.

**The Chairman** stated that the Board had received from Aimee Pardee several memos detailing the wetlands violations that have occurred at this property. She asked the Inland Wetlands Agent to bring the Board current on what’s been going on at the site, and explain what is being asked of the Board that evening.

**The Agent** reminded the Board that there was a retaining wall to be built right next to the edge of the wetlands, and substantial landscaping, as detailed on a plan designed by Craig Studer of Studer Design Associates.

**The Chairman** instructed the Board to refer to the Agent's Memo, in which there was a copy of the approved plan, as well as a copy of the proposed plan, to show violation and proposed remediation.

**The Agent** reported that Aimee Pardee was hired in January and went out in March to check the site. In the spring, when the landscaping was stepped up, she noticed that there was intrusion into the wetland area next to the swing set for fill being placed in that area. She questioned the homeowner about it and received a response. But, then there was continued filling in that area. The Agent went out to the site with Ms. Pardee and they observed fill and sod put on top of it, so it "was very evident that there was the intention to create a lawn substantially into the wetland area." They were "extremely close to issuing a notice of violation and an order to Show Cause" when they received a call from the homeowner's attorney, who said that they would work to remediate and restore the situation back to its natural state, or to a state that would satisfy The Inland Wetlands Board. The homeowners hired Mr. Studer again, this time to create a restoration plan.

**The Agent** reviewed the approved and proposed plans with the Board, and she noted that there was not extreme damage to the wetlands because it was basically topsoil on top of wetlands, therefore, it was not an egregious violation except that the fill was put in that entire area. A soil scientist, Mary Jaehnig, recommended that the fill be removed. The Wetlands Inspector agreed with that assessment. Craig Studer proposed an extensive replanting of that area with wetlands-appropriate species.

**Mr. Katz** asked if the Agent was asking the Board for approval of the revised plan.

**The Agent** said she was, and then went on to explain why the decision was made not to bring this to the Board as a Show Cause.

**The Chairman** asked if the Board wanted to go out and inspect the site before giving approval.

**Mr. Katz** said he was ready to make the motion, and he was seconded by Dr. Autuori, to approve the application, including the plan for mitigation of filled wetlands. Discussion ensued relating to the requirement for on-site inspections and the type of machinery to be used. The motion included conditions suggested by the Inland Wetlands Agent, and requirements for on-site supervision by the landscape architect, and hand digging or use of small machinery in the wetlands area. The Chairman stressed that this is not in the upland review area; it is in the wetlands. The motion passed, 9-0.

4. **#2006-065-PD:** Summary Ruling application to dredge pond to original depth, and to construct two fieldstone inlet sediment basins, property located at **293 Florida Hill Road** in the RAA zone. Owners: Ian and Deirdre Duncan. Appl./Auth.Agent: Nazzarro, Inc. *For receipt / schedule walk to determine significance.*

**Mr. McChesney** motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule a site walk for Sunday, 7/9/06. The motion passed, 9-0.

#### **BOARD WALKS**

**Scheduled for 7/9/06: #2006-065-PD:** Summary Ruling application, **293 Florida Hill Road**, Duncan, as noted in item #4, above.

#### **REQUESTS FOR BOND RELEASE/REDUCTION**

There were no requests for bond release or reduction.

#### **CORRESPONDENCE**

- Letter dated 6/22/06 from CTDEP to First Selectman Marconi, notice of approval for dam repairs at the Wataba Lake dam.
- Wall Street Journal article, "Who Needs a Flood Policy?"

#### **MINUTES**

**Mrs. Willis** motioned to approve the minutes of June 13, 2006, seconded by Mr. Katz. There were a few minor corrections. The minutes were approved by a vote of 9-0.

**Mrs. Willis** motioned to approve the minutes of June 20, 2006, seconded by Mr. Slavin. There were a few minor corrections. The minutes were approved by a vote of 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:07 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED/REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

July 5, 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: Betty Brosius, Director of Planning  
Linda Caponetti, Recording Secretary

*A public hearing was held prior to the meeting.*

At 9:08 p.m., Chairman Mucchetti called the meeting to order.

Mr. Fossi recused himself from the meeting and returned at 9:15.

**PENDING ITEMS**

1. **#2006-010-SR-S:** (1) waiver of Sec. 4-25 (Payment in lieu of open space) for a 7 lot subdivision and (2) 7-lot subdivision of land located on **Bryon Avenue** in the SD R-20 zone. Owner/Apl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara and Gustafson. *Received 2/14/06. Walked 3/12/06. Public hearing commenced 4/4/06, continued 5/9/06, continued with extension granted to 5/16/06. Public hearing closed and item tabled 5/16/06. Tabled 5/23/06. Tabled June 6, 2006. Tabled 6/13/06. Draft Resolution of Approval requested 6/20/06. 65-day action period ends 7/20/06. For action.*

**Mr. Katz** motioned, seconded by Mr. Walsh, to approve the request for waiver of Sec. 4-25(b) of the subdivision regulations, to permit payment in lieu of open space. The motion passed, 8-0-1 (Mr. Fossi recused).

**The Planner** asked for reasons.

**Mr. Katz** said that he makes the motion citing the following reasons: “advice and input from the Conservation Commission,” which he finds “controlling,” and the size of the open space to be gifted, which he feels is small.

**Mrs. Willis** added, “It is also encumbered with a lot of responsibilities for maintenance.”

**Mr. Walsh** said that Section 11-1(3) “is most paramount in my mind” and reads, “such a waiver or waivers would be compatible with the objective of any short range or long range section or comprehensive plan for the area of the community.” In addition, he states, “I think the fee in lieu of goes a long way to satisfying many of the objectives”.

**The Chairman** thanked Mr. Walsh and asked the Commission if there was anything further. She stated there was a motion to approve and a second, with conditions as noted.

**Mr. McChesney** clarified that it was not with conditions, it was with reasons. The Chairman thanked him.

**Mr. Katz** said he would move approval of the draft with a modification. On P. 6 of the Proposed Resolution of Approval, in the section titled Reasons, he would like to replace the second and third sentences with the following: The Commission further finds the application substantially in conformance with the requirements of Articles 1 and 4 of the Ridgefield Subdivision Regulations.

**Mr. McChesney** wanted to add to Item #2 (Planting for the Detention basins....) of the Proposed Resolution the following: “...but modified to reflect changes indicated in #2, above.” He also mentioned the changes to be noted relative to the private road. The Chairman stated that this would be the new Item #16 and the rest would be renumbered.

**Dr. Gelfman** asked if it was designed for a 25 year storm. The Planner said it was designed to handle a 25 year storm, and once the water gets into the detention basin, it could handle up to the level of a hundred year storm storage. Discussion and clarification followed.

**Mr. Katz** motioned, seconded by Mr. McChesney, to adopt the resolution of approval drafted by the Planner, with modifications. The motion passed, 6-2-1. Mrs. Willis and Dr. Autuori were opposed, and Mr. Fossi recused.

2. **#2006-031-SP:** Special Permit application under Sec. 312.0 as required by Sec.412.0.B(5) of the Ridgefield Zoning Regulations to construct a 20-unit multi-family development on 5.16 acres of land located at **66 Grove Street** adjacent to existing commercial building in the B-2 zone. Owner/Appl.: 66 Grove Ridgefield, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 4/4/06.Public*

*hearing commenced 5/16/06, continued 6/13/06. Public hearing closed 6/13/06, motion to approve and second remains on table. Draft Resolution of Approval requested 6/20/06. 65-day action period ends 8/17/06. For action.*

**Mr. Katz** moved to approve with a number of minor corrections. He cited P. 2, Item # 4 of the Special Permit Application, “The three proposed buildings consisting of a total of 20 multi-family units...”. He would like to change that to read: “ ...consisting of a total of 20 units”. He would also like to change Item # 11 on Page 3 to read: “.... shall comply with all applicable zoning regulations, whether or not referenced herein...”. The Planner reminded him that he is changing David Huntoon’s words.

**The Chairman** recognizes Mr. McChesney.

**Mr. McChesney** referenced Item # 20 on P. 5 of the Special Permit Application, Part (a), referring to the installation of wells. He commented that he would like to add the following: “...and installed prior to issuance of a zoning permit.” He emphasized the importance of this in his opinion, saying, “Let’s get those wells in before they do anything on that site.” Mr. Katz agreed. Mr. McChesney reiterated, “ Let’s make sure those new wells are in place before we issue any permit.”

**The Chairman** asked, “What would be the best point to do that?”

**The Planner** said, “That probably is the best point. The only thing that I would suggest is that if there is some problem based on the licensed environmental professional’s requirements under the DEP that would prevent that from happening,..... we could not supercede what the DEP tells them they have to do.” Mr. Katz said, “Well, let them come back and tell us that.” The Planner agreed. Mr. Katz added that “to make it clear,” he wanted to add Mr. McChesney’s addition right before the words “...to provide continuity of monitoring.”

**The Chairman** asked if there is a second on the motion to approve. Mr. Fossi seconds.

**Mr. Katz** motioned, seconded by Mr. Fossi, to adopt the resolution of approval drafted by the Planner, with modifications. The motion passed, 5-4. Voting in favor were Katz, McChesney, Walsh, Fossi and Mucchetti. Voting against were Autuori, Gelfman, Willis, and Slavin.

## **NEW ITEMS**

- #2006-060-REV-REF:** (1) Revision to Special Permit under Sec. 312.0 as required by Sec. 418.0.H(d) of the Ridgefield Zoning Regulations to construct a box office, ADA bathroom, coat room and waiting area on property located at **Halpin Lane**, Ridgefield Theater Barn in the CAH zone and (2) Referral under Sec. 8-24 of the Connecticut General Statutes. Owner: Town of Ridgefield. Appl.: Sue Manning,

Secretary, Ridgefield Theater Barn Board. *65-day action period ends 9/8/06. For receipt/action.*

**The Chairman** asked the Board to receive and discuss the Application for Revision to the Special Permit to construct a box office, ADA bathroom, coat room and waiting area for the Ridgefield Theater Barn in the CAH zone, and to act on an 8-24 referral. Board members decided to act on the 8-24 first.

**The Planner** said she would like to clarify: “We believe that an 8-24 is necessary ... which is required when you do a substantial improvement to a town property. The question is whether this is substantial or not,” but, she suggested that, “to be on the safe side,” the Commission should do it.

**Mr. Katz** motioned, seconded by Dr. Autori, to approve a favorable report to the 8-24 referral from the Board of Selectman. The vote was unanimous.

**The Chairman** introduced Mrs. Sue Manning, Secretary of the Board of Directors for the Ridgefield Theater Barn.

**Mrs. Manning** addressed the Board to ask for a revision to the Special Permit for an addition on this property. She stressed how badly needed the bathrooms were. She also referred the Board to the rendering in their packets which, she said, shows that the addition will be very much in keeping with the existing facility - no changes in the barn itself, except for removal of a small light platform, which would be moved into the addition.

**Mrs. Willis** said she went out to check on a tree and to see where the drip line was. She expressed concern about garbage trucks backing into the area. Mrs. Manning explained that there is garbage pick-up only four times a year and that the trucks used are Country Disposal’s smaller trucks on an area that isn’t and won’t be paved.

**Dr. Autori** asked about the exterior lights, “Do they conform with our regulations?” “Yes, absolutely, Mike,” said Mrs. Manning.

**Mr. Katz** said, “I think it’s a terrific addition and long overdue”. He motioned to approve, seconded by Dr. Autori, the request for Revision to the Special Permit, according to the plans submitted with the application. The motion passed, 9-0.

**The Chairman** asked Mr. Katz if that was a draft. He said, “No”. She confirmed, “That was a final.”

4. **#2006-063-REF:** Referral by City of Danbury for project within 500’ of Ridgefield’s boundary for expansion of Powerhouse building on Boehringer Ingelheim property located in the **City of Danbury**. *For review/comment.*

**The Planner** explained that this is a referral based on the fact that the property is within 500 feet of the Ridgefield property, and that, based on the fact that the addition

is relatively small and that the chiller expansion on the existing Powerhouse building is to take place on the side opposite to the Ridgefield border, it is her opinion that this addition would have no impact to Ridgefield.

**Mr. Katz** said, out of courtesy to Boehringer Ingelheim, the Commission should write a favorable comment about going ahead with the project. Mr. Autori seconded that. The Planner said, “if there’s a consensus of the Commission,” she will write a letter to the City of Danbury saying that the Commission finds no problems with the proposal and they have no objections to it. Mr. Walsh wanted it to be stated positively rather than “we have no objections”. The Planner said she would agree with that.

The Commission, by consensus, agreed that the Planner should send a letter to Danbury, stating favorable approval of the plan submitted.

5. **#2006-064-REVIEW:** request to determine parking spaces required pursuant to Sec. 305.02(a) of the Ridgefield Zoning Regulations for property located at **35/37 and 41/43 Danbury Road** in the B-1 zone. Appl: Douglas MacMillan, AIA. For receipt/discussion.

**Chairman Mucchetti** said, “We need to receive this”. Mr. Katz moved to receive. The Commission vote was unanimous to receive. The Chairman noted that the properties are the Toscana restaurant and the Eppoliti building to the west of that.

**The Planner** explained that this involved more than just that one building. She explained that Mr. Eppoliti came with Doug MacMillan to Planning and Zoning to consult with her and Mr. Baldelli regarding potential future plans for property that he owns. The Planner said, “As you recall, Mr. Eppoliti owns several buildings, one of which... used to be a house west of the restaurant, and then there are a few brick buildings behind. He’s also purchased a house on Roberts Lane which is in the B-1 zone,” and contiguous to his commercial property. His plan would be to do some expansion in the way of a new building on that lot and use the same parking lot as the other buildings, making it one big complex, for a total of three buildings on that site.

In addition, she noted that the Route 35 Road Management Plan recommends that at the intersection of the traffic light with Grove St. and Danbury Rd., there would be a driveway eliminated between Mr. Eppoliti’s building and the restaurant. In that study, they recommended that that driveway be closed off. In addition to that, she mentioned there were some proposals by the Connecticut DOT which “we hope will be implemented fairly quickly for improvements to that intersection in general....”

In view of all of this, and looking at the parking lot configurations for both the restaurant and Mr. Eppoliti’s building, there came a question as to whether or not Mr. Eppoliti would need variances in order to meet the parking requirements for this new building, requiring that he go to the Zoning Board of Appeals. “What we suggested that they do.... is to hire a traffic expert to analyze both parking lots together, to analyze the ingress and egress to all of those locations, to look at the traffic light configurations and the plans for improvements at that area, and to determine whether

or not that traffic expert felt that the parking and the traffic circulation within those two properties could be improved by making an interconnection between the two properties by closing off the driveway, and, finally, is there enough parking already there without getting variances...”.

She said that the reason she was giving this to the Commission is so that they could add it to their walk schedule, understanding what the long term plan is.

**Mr. Katz** asked the Planner how can the Commission make a determination without knowing the use of the new property. She explained, “Part of what they will be presenting to you” by way of the traffic expert and the site planner, Mr. MacMillan, is a calculation “building by building, use by use” of the types of uses and the parking that would be required before they would come in for special permits. They are looking for a preliminary determination by the Commission before going for special permits as to whether or not they would need variances. The Planner stated that she and Mr. Baldelli believed they did not, but, “because it’s such a complex arrangement,” they felt that the Commission should make that determination.

**Mr. Katz** asked, “What is the Commission being asked to receive?”

**The Planner** said, “You’re being asked to receive the letter and the map that was submitted by Mr. MacMillan.” She suggested that the Commissioners walk the property after reviewing the information, and added that this would be put on the agenda for next week.

**Mr Katz** asked if it was an official application.

**The Planner** said, “It’s not an application, it’s a request for determination of parking requirements.”

**Mr. Katz** said, “I think it would be a mistake to officially.... acknowledge receipt of an application that doesn’t exist.”

**The Planner** said that the Commission can acknowledge that a letter was submitted. “They don’t have to do it by vote.”

**Mr. Katz** said, “We really don’t have anything to react to here because we don’t know what the parking count is as determined by, for example, the office... and that would determine whether or not a variance was required.”

**The Planner** asked the Commissioners if they received the maps and the letter. Everyone said that they had not.

**The Planner** apologized for the oversight and said that she’ll send this to them in the mail.

**Mr. Katz** motioned, seconded by Dr. Autuori, to acknowledge the request and to schedule a site walk for Sunday, 7/9/06. The motion passed, 9-0.

6. **#2005-053-SR-SP:** Request for minor revision to previously approved site plan, location of generator for office building under construction at **Danbury Road and the By-Pass Road (aka 94 Danbury Road)** in the B-3 zone, under Special Permit issued to Ninety Two Commerce, LLC on 5/31/05. Requested by Andrew Lecher, Inc. *For review/discussion. P.D. recommends administrative approval.*

**The Chairman** asked the Commission to review a request for a minor revision to relocate the generator for the building at 94 Danbury Road under the special permit that was issued to 92 Commerce Pike. “We need to receive this, please.” The Commission accepted the application.

**Mr. McChesney** recommended administrative approval.

**Mr. Walsh** agreed with the recommendation.

**Mr. McChesney** motioned, seconded by Mr. Walsh, to approve the minor revision, and to allow the details to be handled administratively. The motion passed, 9-0.

#### **COMMISSION WALKS**

The Commission scheduled a site walk for 35/37 and 41/43 Danbury Road, as noted in item #5, above.

#### **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

#### **CORRESPONDENCE**

- Minutes of the June 19<sup>th</sup> meeting of the Ridgefield Design Council, esp. pertaining to the proposed Village District Regulations
- Minutes of the AAC regarding signage at 665 Danbury Road
- Planner’s letter of support to the Conservation Commission, regarding its grant application for purchase of the Boy Scout Property for open space.
- Newspaper article about the Town of Bethel and the hiring of Planimetrics, LLC to do the Plan of Conservation and Development. (As a side note, Chairman Mucchetti informed the Commission that the Board of Selectmen approved an additional \$7,500 for Ridgefield’s account, for the Planimetrics work on the update of Ridgefield’s zoning regulations.)

#### **MINUTES**

Mr. Katz motioned to approve the minutes of June 13, 2006, seconded by Mr. Slavin. There were a few minor corrections. The minutes were approved by a vote of 9-0.

Mr. McChesney motioned to approve the minutes of June 20, 2006, seconded by Dr. Autuori. There were a few minor corrections. The minutes were approved by a vote of 9-0.

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

Respectfully submitted,

Linda Caponetti  
Recording Secretary