

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

These minutes are a general summary of the meeting and are not a verbatim transcription.

December 20, 2016

Present: Peter Chipouras  
Stephen Cole  
Tim Dunphy  
George Hanlon  
John Katz  
Di Masters  
Mark Zeck  
Rebecca Mucchetti, Chairman  
Joseph Fossi, Vice Chairman

Also Present: Joanne Meder, Director of Planning  
Beth Peyser, Inland Wetlands Agent  
Lise Read, Recording Secretary

*There were no Inland Wetlands Board or Planning and Zoning Commission Public Hearings held prior to the meeting.*

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

**PENDING ITEMS**

1. **#2013-086-IW-MISC:** Violation Hearing 107 Cooper Road, stream diversion.  
Owners and Interested Parties: Mr. & Mrs. John Kirk, Mr. and Mrs. Matthew Sullivan, and Dr. Michael Autuori. *For discussion.*

Also Present: Attorney Thomas Beecher  
Mr. & Mrs. John Kirk  
Dr. & Mrs. Michael Autuori  
Mr. Carl Seelaus  
Mr. Benjamin Hume  
Mr. Carlson Fincham

Chairman Mucchetti began the discussion by introducing the Board, the Wetlands Agent and the Planner and noted the memorandum from Agent Peyser dated 9/6/16 of all compiled documents to date.

Attorney Beecher gave a history of how all arrived here today and added that this continuation of a violation hearing is still, as in 10/1/2013 when the original complaint was filed by Dr. Autuori, to determine if a violation has occurred by causing a diversion in the stream and if so remedy the situation. Attorney Beecher went on to say that all testimony and documents since 2013 are still part of the record and that the hearing is an evidentiary hearing to gather information from the main parties and to try to come to some agreement between all parties. He recapped the

main participants as follows: Mr. & Mrs. John Kirk who own the property where the stream forks, Dr. & Mrs. Michael Autuori who is downstream from one of the forks, Mrs. Diana Karish who is downstream from the other fork and Mr. & Mrs. Matthew Sullivan who bought the property from Mrs. Diana Karish. Attorney Beecher noted for the record that Mr. & Mrs. Matthew Sullivan, who could not make the meeting, have in no way participated in the diversion of the stream and their sole purpose in this matter is that their property is downstream from one of the forks and that they have a pond that is fed by this stream.

Agent Peyser noted her hire date of 2/2014 and how she became involved due to two filed complaints by Mr. Carlson Fincham a property owner downstream from Dr. Autuori. She stated that she conducted two site inspections and found no rock changes from pictures taken but there were more leaves and debris. Agent Peyser further added that subsequently there was a meeting with Mr. Fincham, the prior Wetlands Agent Betty Brosius and herself.

When turning to the parties involved, Mrs. Chrystal Autuori read a letter giving her view of the history of this issue and Dr. Autuori submitted one 270 page binder and a hand out for all Commissioners titled "A Synopsis of Some Key Issues" but did not offer any oral testimony except that he believes that the Board is not following the Regulations. Attorney Beecher asked if Dr. Autuori would make himself available to the Board to answer questions after the Board had read his material submitted and Dr. Autuori replied "yes". For the other participants who were interested in the material submitted by Dr. Autuori, Attorney Beecher stated that an electronic copy would be supplied by his office.

Mrs. Kirk gave her recap of the issue and asked that a concrete weir not be built which would ruin the natural environment. She further asked that this matter be resolved because it is taking everyone's time and energy.

Mr. Seelaus spoke having concerns about the reduction of water coming downstream which would affect the wetlands and the natural environment.

Mr. Fincham noted that there has been street re-paving with curbing and a home built in the noted time frame which could add to current reduction in water in the stream. Mr. Fincham further asked that all property owners affected by this stream be noticed by mail for their comments and not just the ones present at this meeting.

Established were the following points:

- When asked why the violator of the Regulations was not being charged with a violation and the property be restored to its original state, Attorney Beecher replied there is a blurred line as to other possible violators and a blurred line as to what is the original state with added confusion by conflicting Engineering reports.
- When noted how the Section referred to in the Regulations for the violation was incorrectly stated as Section 13.3(a), Attorney Beecher acknowledged the

typo and will have it corrected to “Pursuant to Section 13.3.3(a) ...”. Attorney Beecher further added that the Court has remanded the Board and the participants back to this evidentiary hearing regardless of the typo.

- When questioned about noticing by mail other property owners who could be affected by this decision, Attorney Beecher noted that it was in the paper but the Board agreed to notice by mail the other affected neighbors.
- There seemed to be a difference of opinion as to whether more water removes debris, silt and leaves or if more water increases and deposits debris, silt and leaves.
- Mr. Fincham, Mrs. Kirk and Mr. Seelaus all concurred that the current flow of the stream and the positioning of the rocks was agreeable. Attorney Beecher noted that Mr. & Mrs. Matthew Sullivan needed to give their opinion and Dr. Autuori asked that it be reviewed over the next few seasons before an agreement be reached.
- It was established that if there was a storm and the stream flow was blocked by debris, to remove the blockage should be a neighbor to neighbor issue and not an Inland Wetlands Board issue.
- There was a discussion as to how to snap shot the current acceptable flow and rocks positioning but a decision was not reached if pictures would suffice or if measurements would need to be taken.

**Board consensus was to notice by mail other affected neighbors, to hear from Mr. & Mrs. Matthew Sullivan of the possible acceptance of the current conditions, to review the presented evidence from Dr. Autuori, to draft an Order of Remedy and to continue the Violation Hearing to January 10, 2017.**

*For the record, Vice Chairman Fossi and Agent Peyser left the meeting for the evening.*

#### **NEW ITEMS**

There were no new items.

#### **BOARD WALKS**

There were no Board walks scheduled.

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

There were no requests for bond release or reduction.

#### **CORRESPONDENCE**

There was one piece of correspondence noted by Chairman Mucchetti.

1. A letter to the Board of Selectman dated 12/15/16 regarding the Annual Budget (2017-2018) for Inland Wetlands.

#### **MINUTES**

##### **For Approval:**

There were no Meeting Minutes for approval.

**For Distribution:**

The Meeting Minutes for 12/13/2016 were distributed.

**PUBLIC HEARINGS**

There were no Public Hearings scheduled.

Hearing no further discussion, the Chairman adjourned the meeting at 9:20 PM.

Respectfully Submitted,

Lise B. Read  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

These minutes are a general summary of the meeting and are not a verbatim transcription.

December 20, 2016

Present: Peter Chipouras  
Stephen Cole  
Tim Dunphy  
George Hanlon  
John Katz  
Di Masters  
Mark Zeck  
Rebecca Mucchetti, Chairman

Absent: Joseph Fossi

Also Present: Joanne Meder, Director of Planning  
Lise Read, Recording Secretary

*There were no Inland Wetlands Board or Planning and Zoning Commission Public Hearings held prior to the Inland Wetlands Board Meeting.*

At 9:20 PM Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

There were no pending items.

**NEW ITEMS**

1. **#2016-115-REV(SP):** Revision to the Special Permit under Section 9.2 of the Town of Ridgefield Zoning Regulations for external facade modifications to add a vent hood and ductwork at **103 Danbury Road** in the B-1 Zone. *Owner: Copps Hill Common, LLC. Applicant: Lion's Bleeker Street Pizza, LLC. Authorized Agent: Phil Haitich. Application Withdrawn.*

**Commission consensus was to acknowledge withdrawal of the above revision to the Special Permit.**

2. **#2016-116-REV(SP):** Revision to the Special Permit under Section 9.2 of the Town of Ridgefield Zoning Regulations to convert two (2) third floor dance studios into two (2) one bedroom residential apartments at **9 Ethan Allen Highway** in the B-1 Zone. *Owner: Erin Properties. Authorized Agent: Doug MacMillan. For receipt and possible action.*

*For the record, Mr. Joseph Fossi was recused from this application.*

Also Present: Mr. Doug MacMillan, Architect

Mr. MacMillan gave a brief presentation noting that with this revision there will be no exterior changes or site changes; that the parking requirements are still being met and the Board of Health has approved the project.

**Mr. Katz motioned, Ms. Masters seconded to approve the above revision to the Special Permit as presented and as a Final Resolution with standard conditions. Motion carried 7-0-1. Mr. Hanlon had stepped out of the room.**

### **COMMISSION WALKS**

There were no Commission walks scheduled.

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

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

Chairman Mucchetti noted the following pieces of correspondence.

1. A recap memorandum from the Planner for current correspondence received by the office through 12/20/16 regarding the Mountainside application with copies of correspondence attached.
2. A letter to the Board of Selectman dated 12/15/16 regarding the Annual Budget (2017-2018) for Planning and Zoning.
3. A letter from Ms. Diana Krista and Mr. Martin Kelsey dated 12/16/16 regarding the alternative access way at 32 Hickory Lane.

### **MINUTES**

#### **For Approval:**

There were no Meeting Minutes for approval.

#### **For Distribution:**

The Meeting Minutes for 12/13/2016 were distributed.

### **PUBLIC HEARINGS**

#### **January 03, 2016**

- **#2016-096-A**, Regulation Amendment Application, **Extended Residence Care Facility**, *Mountainside (Matthew Eakin, Executive Vice President)*.
- **#2016-104-(SP)**, Special Permit, **162 Old West Mountain Road, 150 Old West Mountain Road, Old West Mountain Road (Assessor's ID C12-0069), and Old West Mountain Road (Assessor's ID C12-0016)**, *Jennifer Nobandegani and Katis Realty Company*.

#### **January 10, 2017**

- **#2016-109-A**, Regulation Amendment Application, definitions for **"Brewery and Brew Pub"** and new special permit use - **"Brewery or Brew Pub"**, *Riverside Real Estate, LLC*.

- **#2016-113-SP:** Special Permit Application, **137 Ethan Allen Highway, Riverside**  
*Real Estate, LLC*

Hearing no further discussion, the Chairman adjourned the meeting at 9:25 PM.

Respectfully Submitted,

Lise B. Read  
Recording Secretary