

APPROVED/REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION  
Public Hearing

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

March 3, 2020                      Present:                      Susan Consentino (arrived at 7:05 p.m.)  
Joseph Dowdell  
Joseph Fossi  
George Hanlon  
Robert Hendrick (arrived at 7:15 p.m.)  
John Katz  
Rebecca Mucchetti, Chair  
Ben Nneji  
Charles Robbins, Vice Chair

Also Present:    Richard Baldelli, Director, Planning and Zoning, ZEO  
Thomas Beecher, Town Counsel  
Karen Martin, Assistant Town Planner  
Eileen White, Recording Secretary

The Chair called the Meeting to order at: 7:00 p.m. and gave an overview of the meeting and meeting agenda. She stated that all those present were entitled to courtesy and respect.

**Item I: (Contd.) #2019-076-AH:** Affordable Housing application under Section 8-30g of the Connecticut General Statutes (Affordable Housing) to construct a Multi-family development with nine (9) units, With three (3) units to be deed restricted as affordable for a property consisting of  $\pm$  1.17 acres located at **Turner Road & Barnum Place (Assessor's ID B01-0002)** in CDD Zone. *Statutorily received on November 26, 2019. Site walked on December 08, 2019. 35 days to close a public hearing was February 18, 2020. Extension of 14 days was granted to continue Public Hearing to March 03, 2020. Owner/Applicant: Black Oaks, LLC. Authorized Agent: Brian R. Smith, Esq., Robinson & Cole, LLP.*

There was no need to re-read the legal notice, since it had been read at the January 14, 2020 Public Hearing.

The Chair entered into the Record the following list of correspondence received since the February 11, 2020 Public Hearing:

- E-mail with attachments regarding the environmental impact evaluation from Ms. Gloria Driscoll, dated February 12, 2020;
- Architectural Advisory Committee (AAC) Minutes from February 11, 2020 architectural review, Received February 13, 2020;
- E-mail regarding the environmental impact evaluation from Sharon Moroknek, dated February 14, 2020;

- A memo from Attorney Beecher regarding the Natural Diversity Database Mapping, received February 25, 2020;
- A memo from Attorney Beecher regarding access improvements to roads and accessway, received February 25, 2020;
- An e-mail with attachments regarding wood frog ecological peer review from Gloria Driscoll, dated February 25, 2020;
- Revised Site Plans from Project Engineer Steve Sullivan of CCA, dated February 26, 2020;
- Revised drainage calculations from Steve Sullivan, dated February 27, 2020;
- Project Engineer response to Technical Peer Review, dated February 27, 2020;
- An e-mail from Inland Wetlands Agent, Beth Peyser, to Attorney Smith regarding Inland Wetlands Board jurisdictional review discussion scheduled for March 12, 2020;
- A Memo from Attorney Beecher regarding the Inland Wetlands Board exercising upland review jurisdiction beyond mandated upland review boundaries and the impact on Planning and Zoning review, dated March 3, 2020;
- Peer Review comments from Chris DeAngelis, P.E. on Revised Plans,
- dated March 3, 2020; and
- A letter from the Fire Marshall, dated February 12, 2020.

Chair Mucchetti asked Attorney Smith if, given the Inland Wetlands Board consideration of the application, if he would like to extend the Public Hearing to March 24, 2020.

Attorney Beecher stated that this is an unusual circumstance. The Inland Wetlands Board has determined that they want to take a look at the jurisdiction with respect to the Application under the Connecticut State Statute. Attorney Beecher also stated that normally a Wetlands Application is filed simultaneously with the Planning and Zoning Application, but that is not the case here.

Mr. Beecher said that, if the Inland Wetlands Board takes jurisdiction over this Application, on March 12, 2020, the Planning and Zoning Commission cannot make a decision on this Application until the Inland Wetlands Board has made a decision. The Planning and Zoning Commission would have to render a decision within 35 days, of the Inland Wetlands Board's decision.

Mr. Beecher advised the Applicant that it would be prudent to keep the Public Hearing open so that the Inland Wetlands Board could determine whether they have the authority to jurisdictional review. Attorney Smith asked for clarification as to whether the statutory timeframes were going to apply, if the Public Hearing stayed open or not. Attorney Beecher stated that the timeframes would remain in effect, whether the Public Hearing stayed open or not.

Attorney Smith said that he could not make the decision about the Public Hearing remaining open or not, until this evening's Public Hearing had proceeded.

Attorney Smith began the presentation for the Applicant by stating that the presentations would be limited to the changes made since the last Public Hearing on February 11, 2020.

Mr. Steve Sullivan, Project Engineer, presented revisions to the Site Plan, since the February 11, 2020 Public Hearing. Mr. Sullivan responded to the Peer Review letter dated February 10, 2020, which had eight points. The changes included adding steps on the east and west sides of the building for pedestrian access around to the back of the building and increased elevation of basin pipes. Mr. Sullivan entered into the Record the paper copy of the hydro-ad drainage calculations, having sent the copy electronically.

They also met with Belimo, abutting property owners to the North, about obtaining grading easement, but no decision was made by Belimo.

Mr. Joseph Balskus, Licensed Professional Engineer and Professional Traffic Operations Engineer, presented the new traffic count that had been request by Commissioner Nnjei at the February 11, 2020 Public Hearing. It consisted of one week's worth of traffic counts. Mr. Balskus said that there had not been a significant increase in the number of vehicles than the prior study. Mr. Balskus also addressed the site distance at the cross walk and said that the crosswalk meets safety standards.

Commissioner Robbins asked for clarification regarding who would own the sidewalk. The applicant responded that the sidewalk would be owned by the Town of Ridgefield.

Mr. Smith entered into the Record and read two letters: 1) To the Planning and Zoning Commission summarizing responses and 2) First Selectman Rudy Marconi regarding Turner Road. Attorney Smith stated it is the Applicant's view is that the Inland Wetlands Board has no jurisdiction. He further said that Mr. James McManus, a soil scientist, found no part of the proposed site is in a wetland review area. Mr. McManus's report was submitted in October as part of the application.

Mr. Baldelli asked Mr. Smith if he was attending the March 12, 2020 Inland Wetlands Board Meeting and Mr. Smith said he would.

Mr. Chris DeAngelis, Professional Engineer, presented the Peer Review and his comments, since the last Public Hearing on February 11, 2020.

Under Technical Correspondence, the Fire Department did send a letter on February 12, 2020.

Public comments and questions were noted, including those from:

Mr. Jeff Hansen  
Mr. J.R. Suppa  
Mr. Tom Levine  
Mr. Andrew Wiener  
Ms. Diane Parson  
Ms. Gloria Driscoll  
Ms. Debbie Brown  
Mr. John Goode  
Mr. Tom Peterson  
Ms. Michelle Bucini

Comments and questions from the public included concerns regarding the wood frog, traffic and whether an 8-30g development in that part of Town was appropriate.

Attorney Smith submitted into the Record the Quit Claim Deed establishing ownership from the Town Land Records by the Applicant.

Questions from Commissioners included an overhead light at the crosswalk and a pipe near the pool to direct drainage. Mr. Balskus said that a guardrail could be put in and an overhead light could be added.

Attorney Smith gave his closing remarks, which included that the original design of 12 units has been pared down to 9 unit and that improvements have been made based on the comments and concerns of the neighbors.

**The Public Hearing closed at: 9:58 p.m.**

**Item II: (Contd.) #2019-080-SP:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations, for exterior renovations to accommodate automated car wash within the existing building for a property located at **115 Danbury Road** in the B-1 Zone. *Statutorily received on December 17, 2019. Site walked on January 26, 2020. Public hearing opened on February 11, 2020. 35 days to close a public hearing is March 17, 2020. Owner: 115 Danbury Road Associates LLC. Applicant: Ridgefield Fuel Associates. Authorized Agent: J Casey Healy, Esq.*

**This application was withdrawn.**

Hearing no further discussion, the Chair adjourned the Meeting at: 9:58 p.m.

Respectfully submitted,

Eileen White

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March 3, 2020	Present:	Susan Consentino Joseph Dowdell Joseph Fossi George Hanlon Robert Hendrick John Katz Rebecca Mucchetti, Chair Ben Nneji Charles Robbins, Vice Chair
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Also Present: Richard Baldelli, Director, Planning and Zoning, ZEO  
Thomas Beecher, Town Counsel  
Karen Martin, Assistant Town Planner  
Eileen White, Recording Secretary

The Chair called the Meeting to order at: 9:58 p.m.

**PENDING ITEMS**

**1. IF PUBLIC HEARING IS CLOSED: #2019-076-AH:** Affordable Housing application under Section 8-30g of the Connecticut General Statutes (Affordable Housing) to construct a Multi-family development with nine (9) units, with three (3) units to be deed restricted as affordable for a property consisting of  $\pm$  1.17 acres located at **Turner Road & Barnum Place (Assessor's ID B01-0002)** in CDD Zone. *Statutorily received on November 26, 2019. Site walked on December 08, 2019. Public hearing opened on January 14, 2020. 65 days to render a decision is May 07, 2020. Owner/Applicant: Black Oaks, LLC. Authorized Agent: Brian R. Smith, Esq., Robinson & Cole, LLP. For discussion and possible action.*

**The Commission will not deliberate on this Application until the Inland Wetlands Board determines their jurisdictional review of this Application. Counsel and Staff will keep the Commission apprised of the IWB decision and the review timeline.**

**2. IF PUBLIC HEARING IS CLOSED: #2019-080-SP:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations, for exterior renovations to accommodate automated car wash within the existing building for a property located at **115 Danbury Road** in the B-1 Zone. *Statutorily received on December 17, 2019. Site walked on January 26, 2020. 65 days to render a decision is May 07, 2020. Owner: 115 Danbury Road Associates LLC. Applicant: Ridgefield Fuel Associates. Authorized Agent: J Casey Healy, Esq. For discussion and possible action.*

Mr. Katz left the Meeting Room before the Vote at 10:00 p.m.

**Mr. Fossi motioned, Mr. Hanlon seconded to Acknowledge Withdrawal of this Application. Motion carried 8-0.**

**NEW ITEMS** - None

**COMMISSION WALKS** - None

**REQUESTS FOR BOND RELEASES/REDUCTION** - None

#### **CORRESPONDENCE**

- Revised plans for the Limestone Road Great Hill Road Re-Subdivision;
- Updated Plan of Conservation and Development Plans;
- Application and graphics for Halpin Lane, Community Sign Board; and
- Village District Commission Application for **424R Main Street**.

#### **MINUTES**

**For approval:** February 11 and Feb 25, 2020

**February 11, 2020**

**Mr. Fossi motioned, Mr. Robbins seconded to approve as amended. Motion carried 8-0**

**February 25, 2020**

**Mr. Hanlon motioned, Mr. Robbins seconded to approve as amended. Motion carried 8-0**

**For distribution:**

#### **PUBLIC HEARINGS**

**March 03, 2020**

- **(Contd.) #2019-076-AH:** Affordable Housing Application, Turner Road & Barnum Place, *Black Oaks, LLC*.
- **(Contd.) #2019-080-SP:** Special Permit Application, 115 Danbury Road, Ridgefield Fuel Associates

Hearing no further discussion, the Chair adjourned the Meeting at: 10:02 p.m.

Respectfully submitted,

Eileen White