

APPROVED/REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

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

September 26, 2017
Special Meeting

Present: Robert Cascella
Stephen Cole
John Katz
Charles Robbins
Mark Zeck
Rebecca Mucchetti, Chairman
Joseph Fossi, Vice Chairman

Absent: Tim Dunphy
George Hanlon

Also Present: Beth Peyser, Inland Wetlands Agent
Richard Baldelli, Director of Planning and Zoning
Adam Schnell, Assistant Planner
Lise Read, Recording Secretary

A Planning and Zoning Commission Public Hearing was held prior to the meeting.

At 8:15 PM Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2017-058-SR:** Summary Ruling Application under Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulation to remove the existing 24" RCP culvert and install a 2'x3' concrete box culvert approx. 228 feet at **748 Danbury Road** in the B-2 Zone. Owner/Applicant: Ridgefield Waterside Properties, LLC. *For discussion and possible decision.*

Also Present: Mr. Chris DeAngelis, PE

Mr. DeAngelis gave a brief presentation of the proposal to replace an existing 24"RCP culvert which is in poor condition. Noted was the following:

- Some of the project is in Danbury, CT. Danbury IW requested that they receive everything that Ridgefield IW receives and to date Danbury IW has had no comments on the project.
- The Conservation Commission stated that the plan was more than adequate.
- Agent Peyser stated that except during the project construction, there will be no new adverse impact to the wetlands and the completed project will be an overall improvement to the wetlands.

Mr. Katz motioned, Vice Chairman Fossi seconded to approve the above Summary Ruling application as presented and as a Final Resolution with standard conditions. Motion carried 7-0.

2. (Continued) Discussion on Wetlands Citation Ordinance. % IWA/Director

Both Agent Peyser and Director Baldelli explained to the Commission that as the Zoning Citation Ordinance has become an effective tool in the enforcement of Zoning Regulations so shall this new Wetlands Citation Ordinance in the enforcement of Wetlands Regulations. Further, as with Zoning, a written warning would be issued first, which spells what could happen if such violations are not remediated and how monetary fines would typically be assessed. Director Baldelli explained, the intent is to work with the resident and not reach the citation level.

Agent Peyser stated that both Attorney Thomas Beecher and Attorney David Grogans have reviewed and approved the proposed Citation Ordinance wording. Agent Peyser is now looking for Commission consensus of approval to move forward and bring it to the Conservation Commission for comments and then the Board of Selectman for approval for this is an Ordinance not a Regulation.

Commission consensus was to approve Chapter 24 (Sections 24-17 through 24-22): Citations, Article III: Wetlands Violations wording submitted by Agent Peyser.

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 no correspondence.

MINUTES – IW Board Regular Meeting

For Approval:

There were no Meeting Minutes to approve.

For Distribution:

The Meeting Minutes of September 19, 2017 were distributed.

MINUTES – IW Board Public Hearing

For Approval:

There were no Public Hearing Minutes to approve.

For Distribution:

The Public Hearing Minutes of September 19, 2017 were distributed.

PUBLIC HEARINGS

There were no Public Hearings scheduled.

Hearing no further discussion, the Chairman adjourned the meeting at 8:33 PM.

Respectfully Submitted,

Lise B. Read
Recording Secretary

APPROVED /REVISED
MINUTES
PLANNING & ZONING COMMISSION PUBLIC HEARING

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Special Meeting

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Stephen Cole
John Katz
Charles Robbins
Mark Zeck
Rebecca Mucchetti, Chairman
Joseph Fossi, Vice Chairman

Absent: Tim Dunphy
George Hanlon

Also Present: Beth Peyser, Inland Wetlands Agent
Richard Baldelli, Director of Planning and Zoning
Adam Schnell, Assistant Planner
Lise Read, Recording Secretary

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

Item: #2017-055-MISC: Opt out of State initiated Temporary Health Care Structure Act, Per Section 1.3(j) of Public Act No. 17-155, "An Act Concerning Temporary Health Care Structures". *Statutorily received on September 05, 2017. Public Hearing held on September 26, 2017. 35 days to close a Public Hearing is October 31, 2017. Commission initiated.*

Assistant Planner Schnell read the legal notice.

Director Baldelli reviewed his staff report dated 9/22/17 explaining the points of the statute which do not make sense, and recommended that the Commission Opt out of the State initiated Temporary Health Care Structure Act.

Mr. David Goldenberg, former Chairman of the Ridgefield Housing Authority argued how this Act could benefit residents of Ridgefield. That to be in an Assisted Living facility or a Nursing Home today is extremely expensive and that this Act could be a great relief economically to many residents.

The Commission along with Director Baldelli explained that the current Accessory Dwelling Zoning Regulation far exceeds the restrictions of the State initiated Temporary Health Care Structure Act with the major differences described below:

- The State requires a decision be rendered 15 business days after submission. This 15 day action time frame is insufficient time for an

Inland Wetlands approval or Board of Health septic approval never mind other possible approvals needed such as grading. The Commission adopted a site plan approval process and eliminated the Special Permit process which speeds up the approval process for the residents of Ridgefield.

- The State requires a maximum of 500sf for this temporary structure and will require a 50,000 bond guaranteeing that the structure be removed 120 days after the structure has become unoccupied. The Accessory Dwelling Regulation gives a maximum of 900 sf for the structure, no bond is required and the structure does not ever need to be removed.
- If the property owner is the impaired person, the State requires that they move out of their residence and into the temporary structure. Further, the Health Care provider cannot live in the temporary structure with the impaired person and cannot charge for providing the care. The Accessory Dwelling Regulation does not restrict who lives in the structure and does not make restrictions on the charging for care.

With no further comments from the Public or the Commission, Chairman Mucchetti closed the Public Hearing.

Hearing no further discussion, the Chairman adjourned the meeting at 8:15 PM.

Respectfully Submitted,

Lise B. Read
Recording Secretary

APPROVED /REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

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September 26, 2017
Special Meeting

Present: Robert Cascella
Stephen Cole
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Charles Robbins
Mark Zeck
Rebecca Mucchetti, Chairman
Joseph Fossi, Vice Chairman

Absent: Tim Dunphy
George Hanlon

Also Present: Richard Baldelli, Director of Planning and Zoning
Adam Schnell, Assistant Planner
Lise Read, Recording Secretary

A Planning and Zoning Commission Public Hearing was held prior to the Inland Wetlands Board Meeting.

For the record, the order of the following items heard by the Commission was Item #1, 2, 3, 5, 4.

At 8:33 PM Chairman Mucchetti called the meeting to order.

PENDING ITEMS

- 1. #2017-055-MISC:** Opt out of State initiated Temporary Health Care Structure Act, Per Section 1.3(j) of Public Act No. 17-155, "An Act Concerning Temporary Health Care Structures". *Statutorily received on September 05, 2017. Public Hearing held on September 26, 2017. 65 days to render a decision is November 30, 2017. Commission initiated. For discussion and decision.*

Mr. Zeck motioned, Mr. Robbins seconded to Opt Out of the State initiated Temporary Health Care Structure Act for the following reasons:

- **The current Accessory Dwelling Regulations for the Town of Ridgefield are less restrictive than the proposed State initiated Temporary Health Care Structure Act when it comes to size of the structure, occupants of the structure, bonding requirements and the approval process.**
- **This Act requires a 15 day decision which does not make sense. With required approvals, procedurally 15 days is not possible.**

Motion carried 7-0.

2. **#2017-056-PRE:** Pre submission concept per Section 9.2 E of the Town of Ridgefield Zoning regulations to use a food truck on the premises as an accessory use to the Brewery, located at **137 Ethan Allen Highway** in the B-2 Zone. *For discussion.*

Also Present: Attorney Robert Jewell

Attorney Jewell explained the brewery owner was approached by a food vendor who uses a food truck to serve food. Attorney Jewell acknowledged that sit down restaurants are permitted in this zone but not food retail and that the Board of Selectman has a moratorium on mobile food service at the moment. Discussion ensued regarding the “food truck”, how it is mobile, other possible structures that can be used and how this food needs to be just for the brewery and not someone driving by.

Some of the Commissioners have experienced this new concept of food truck vendors, the gourmet food they produce and how this type of food service attached to the brewery could be a good addition to Ridgefield.

The Commission gave Mr. Jewell a solid maybe to pursue but cautioned him to tighten up the proposal and clarify further with the Board of Selectman as regards to licensing for mobile food service.

NEW ITEMS

3. **#2017-064-A:** Regulation Amendment per Section 9.2.B of the Town of Ridgefield Zoning Regulations, to add a new Section 5.7- Mixed Income Overlay Zone, to be applicable to the Business B-1 Zone, Business B-2 Zone, Business B-3 Zone and Neighborhood Business Zone. *Commission initiated. For receipt and scheduling a Public Hearing.*

Assistant Planner Schnell reviewed the Proposed Amendment to the Zoning Regulations regarding the Mixed Income Overlay Zone drafted 9/26/17. He explained that the intent is to give developers an attractive alternative to build their project rather than using 8-30g. Assistant Planner Schnell explained that areas picked for the overlay were areas that had walk ability or mass transit to local stores or local employment. He addressed density standards, parking, architectural review, annual certification, landscaping and site design standards, recording requirements and curb cut management.

Because the Proposed Amendment is extensive, the Commission decided that time to review the document individually was needed and the item will be placed on the 10/3/17 Agenda for discussion.

Vice Chairman Fossi motioned, Mr. Cascella seconded to receive the above Regulation Amendment and to schedule a Public Hearing for 11/21/17. Motion carried 7-0.

4. Discussion of PA-17-39- Act Clarifying the Continuation of Non-Conforming Uses, Buildings or Structures. *c/o Director*

Chairman Mucchetti and Director Baldelli explained the new State Act which describes how non-use of a property does not intend abandonment of the approved use. Their presentation was how this would affect certain properties in Ridgefield. After a brief discussion, the Commission felt there may be no need for concern at the present time.

5. Discussion of PA-17-170-Act concerning the Affordable Housing Land Use Appeals. *% Director*

Assistant Planner Schnell explained that this act requires the Town to create a 5 year Affordable Plan. He further explained that the intent is to look at Affordable Housing as a whole and not just as a Regulation. The office wants to create an Affordability Plan like the Plan of Conservation and Development. An example used was continuing the prior Planner's work of getting existing units around Ridgefield be counted as affordable units.

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 correspondence.

1. A Section 8-24 Referral dated 9/22/17 from First Selectman Marconi. Chairman Mucchetti stated that this item has been placed on the 10/3/17 Agenda for discussion.
2. An email dated 9/20/17 from Ms. Tizzie Mantione regarding the proposed amendment to "private clubs".

MINUTES – P&Z Commission Regular Meeting

For Approval:

There were no Meeting Minutes to approve.

For Distribution:

The Meeting Minutes of September 19, 2017 were distributed.

MINUTES – P&Z Commission Public Hearing

For Approval:

There were no Public Hearing Minutes to approve.

For Distribution:

The Public Hearing Minutes of September 19, 2017 were distributed.

PUBLIC HEARINGS

Scheduled for November 21, 2017

- **#2017-064-A:** Regulation Amendment of the Town of Ridgefield Zoning Regulations- Mixed Income Overlay Zone. *Commission initiated.*

October 03, 2017

- **#2017-054-SP:** Special Permit Application, **17 Wilton Road West**, Daniel Stasio.
- **#2017-057-SP:** Special Permit Application, **160 High Ridge Avenue**, Timothy Dent.
- **#2017-061-SP:** Special Permit Application, **719 Danbury Road**, Steve DiCiacco.

October 17, 2017

- **#2017-59-S:** Subdivision Application, **28 West Branchville Road**, Branchville LLC.
- **#2017-060-REZ:** Rezoning Application. **Assessor Map ID E15, Lot 191 & Map E15, Lot 225 and 41 Governor St**, B&G Club and TOR.
- **(Continued)#2017-047-SP:** Special Permit Application, **47 Circle Drive**, Catherine Savoca.

Hearing no further discussion, the Chairman adjourned the meeting at 9:30 PM.

Respectfully Submitted,

Lise B. Read
Recording Secretary