

APPROVED/REVISED
MINUTES
INLAND WETLANDS BOARD
PLANNING AND ZONING COMMISSION
PUBLIC HEARING

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

September 25, 2018

Present: Joseph Dowdell
Tim Dunphy (Joined 7:52PM)
George Hanlon
John Katz
Charles Robbins
Mark Zeck (Joined 7:07PM)
Rebecca Mucchetti, Chair
Joseph Fossi, Vice Chair

Recused: Robert Cascella

Also Present: Thomas Beecher, Inland Wetland Board/Planning and Zoning Commission Counsel
Richard Baldelli, Director of Planning and Zoning
Beth Peyser, Inland Wetlands Agent & Conservation Enforcement Officer
Aarti Paranjape, Office Administrator
Kara Illium, Recording Secretary

At 7:00 P.M., Chair Mucchetti called the meeting to order.

Ms. Mucchetti gave an overview of the evening's continued combined Public Hearing presentation, and announced additional Public Hearings on this matter on the following dates: 10/16/2018, 10/30/2018, 11/13/2018, 11/27/2018, and 12/12/2018. The Public Hearings will all be held at the East Ridge Middle School Auditorium and will begin at 7 pm.

The Applicant granted, in writing, the full sixty-five day extension to continue the Public Hearing to December 13, 2018.

The Chair noted that the following correspondence/documentation had been received since the Sept. 4, 2018 Public Hearing:

- . **36 additional letters (bringing the total to 467)**
- . **An environmental intervention on the Plenary Application and the Special Permit Application under CGS 22a-19 by Attorney Peter Olsen on behalf of his clients, Jennifer and Jeff Hansen**
- . **Intervention engineering comments by Todd Ritchie, P.E. of Wright-Pierce**
- . **Intervention environmental comments by Michael Klemens, PhD**
- . **Peer Review response to the intervention engineering comments from Chris DeAngelis, P.E.**
- . **A Freedom of Information Act request to the IWB and PZC from Michael Radauzzo**

- . **A copy of a Freedom of Information Act request to the Ridgefield Conservation Commission from Attorney Robert Jewell on behalf of his client, Emmet (Bud) Brown**
- . **Technical comments from the Ridgefield Architectural Advisory Committee, the Fire Marshall, and the Conservation Commission.**

INLAND WETLANDS BOARD

Item I: (Continued) #2018-053-PR-SP: Plenary Ruling Application under Section 7.6 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to construct a Private Winter Club “Ridgefield Winter Club” for activities in the upland review area and in inland wetland or watercourses for a property consisting of +/- 5.966 acres located at **340 Peaceable Street** and within the adjacent Town of Ridgefield Right-of-way in the RAAA Zone. *Statutorily received on July 24, 2018. Public hearing held on September 04, 2018. 35 days to close a public hearing is October 09, 2018. Owner: Peaceable, LLC. Applicant: Rising Ridge Inc. Authorized Agent: Philip Doyle of LADA, PC.*

PLANNING AND ZONING COMMISSION

Item I: (Continued) #2018-053-PR-SP: Special Permit application per Section 9.2 of the Town of Ridgefield Zoning Regulations per Section 3.2.C.3 for a Recreational Use – a private club “Ridgefield Winter Club” and per Section 3.4.D.1. Illuminated Outdoor Recreation facility and Section 7.5. Excavation, filling and grading, and use of portable crusher and screener for the property consisting of +/- 5.966 acres located at **340 Peaceable Street** in the RAAA Zone. *Statutorily received on July 24, 2018. Public hearing held on September 04, 2018. 35 days to close a public hearing is October 09, 2018. Owner: Peaceable, LLC. Applicant: Rising Ridge Inc. Authorized Agent: Philip Doyle of LADA, PC.*

Peer Review Engineer Chris DeAngelis, P.E. gave a presentation noting the following:

- Erosion control is submitted for the project, and disturbance appears to be limited to 3 acres.
- Excavation and grading - more material will be removed from the site than will be brought in (approx 350 truckloads of excavated material is predicted).
- The site generally conforms to ADA standards for accessibility.
- A 75 foot distance from the building is proposed for the well, which will require drilling and site testing (there is no water currently on the site).
- Vegetation needs review (some of it is not in good shape, and any vegetation planted at the site should be deer-resistant so that it can grow tall enough to block the view of the building).

Peer Review Traffic Engineer Kermit Hua gave a presentation regarding the Traffic Report, noting the following:

- Traffic counts were done in May of 2017, which would likely result in higher counts than if it had been done in colder months.
- Existing traffic volume is high, additional traffic lanes would be needed to achieve lower LOS.

- The curves of the road may pose a safety concern, and additional “Stop Ahead” signs were recommended, as well as trimming back trees and other vegetation.

Consultant Planner Donald Poland, PhD gave a presentation noting the following:

- Special Permit Criteria require that certain conditions must be met regarding the suitability of the location: use, density, and intensity.
- As far as use is concerned, a private club is permitted. However, accessories use, both indoor and outdoor (food, alcohol, noise, etc.) needs to be considered (note was made of the fact that the proposed club will not just be open during the winter months, but in some warmer months as well, such as April, May, June, September, and October, which may result in more outdoor activities with more noise during these months).
- Outdoor activities are proposed until 9:45 p.m. and outdoor lights would stay on until 10 p.m. In addition, the club would stay open until 11 p.m., which may still pose a lighting concern (building would still be lit).
- There should be ways to dampen the sound (possibly adjusting the height of the glass and/or planting more vegetation),
- The proposed 40 foot lighting structures require a separate Special Permit
- The Special Permit Criteria do not seem to have been satisfied (so-called “Gateway Zones” are actually Points of Entry)
- There is no justification for commercial use on this property.

Attorney Peter Olsen presented an environmental intervention under CGS 22a-19 on the Plenary Application and the Special Permit Application on behalf of Jeffrey and Jennifer Hansen, whose property is adjacent to proposed site, noting the following:

- The application underestimated the impact on the wetlands, and these wetlands, which consist of 6 potential vernal pools, will likely be affected.

Michael Klemens, PhD, environmental scientist, gave an environmental presentation on behalf of the intervention, noting the following:

- The application as it currently stands is incomplete and cannot be remedied in time for approval. The applicant did not fully examine the property at the time of the year when wood frog activity is at its highest (noted that wood frogs are necessary to maintain the nutrients throughout the wetlands system).
- The northwestern part of the wetlands, which is the most important part from a biodiversity standpoint, will be the most affected through loss of water.

Engineer Todd Ritchie, P.E. gave a presentation on behalf of the intervention noting the following:

- The property survey was inaccurate and not signed by a professional surveyor.
- There was no scientific report from the applicant on the wetlands.
- The traffic report was not signed by a licensed professional engineer.
- There has been no soil testing regarding the stormwater flow control (the 45,000 square feet of impervious surfaces are likely to be affected).

- Catch basins on both sides of the street are needed, not just on one side, and redirecting the water flow from downstream to upstream as proposed is not recommended by engineers.
- The melting of the skating surface at the end of the season may pose issues (would consist of over 10,000 gallons of melting ice water plus paint containing titanium dioxide, which is not recommended for discharge).
- Snow removal would be needed on a regular basis (truckloads). How will it be addressed?
- The design of the septic system is also questionable.
- The proposed entrance is insufficient to accommodate both trucks and customers.
- The entire building will be lit, in addition to the lights from the ice rink and the parking lot, and there will also be additional reflectivity from precipitation as well as the white building.
- The noise study was done in May, when more vegetation muffles sound. Instead, the readings should have been taken in the winter (noted that, in the application, there was no mention of weather, temperature, or humidity on noise impacts).

Attorney Olsen gave a second presentation on behalf of his clients noting the following:

- There needs to be a distinction made between “Recreational Use” and a “Recreational Facility.”
- A private club would require an additional Special Permit, which this application does not have, as it is a multi-use area, which qualifies it as commercial (belongs in a business zone, not a residential zone).
- The proposed club will have user fees and will be for-profit, which means it is not a private club under Federal or State law.
- There will not be enough parking for the 275 proposed memberships (need more than the 92 parking spaces proposed). In addition, there need to be enough parking spaces for guests of members who attend games, which has also not yet been addressed.
- There is too much excavation required, and this combined with the location and parking issues causes the application to fail to meet the Special Permit Criteria.

The Public Hearing was continued to 10/16/2018 at 7 pm.

Hearing no further discussion, the Chair adjourned the Public Hearing at 10:09 P.M.

Respectfully Submitted,

Kara Illium

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John Katz
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Mark Zeck
Rebecca Mucchetti, Chair
Joseph Fossi, Vice Chair

Recused: Robert Cascella

Also Present: Thomas Beecher, Inland Wetland Board/Planning and Zoning Commission Counsel
Richard Baldelli, Director of Planning and Zoning
Beth Peyser, Inland Wetlands Agent & Conservation Enforcement Officer
Aarti Paranjape, Office Administrator
Kara Illium, Recording Secretary

At 10:10 P.M., Chair Mucchetti called the meeting to order.

Ms. Mucchetti asked for a motion to move the rest of the items on the Inland Wetlands Board Agenda forward to the next regularly scheduled meeting. Mr. Zeck motioned, Mr. Fossi seconded. Motion carried 8-0.

NEW ITEMS

There were no new items on the Agenda.

BOARD WALKS

October 21, 2018

1. **#2018-061-AH-SR:** Summary Ruling Application, 84 Governor St LLC.
2. **#2018-062-AH-PR:** Plenary Ruling Application, 62 Prospect Ridge LLC.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for Bond releases or reductions.

CORRESPONDENCE

There was no correspondence for distribution

MINUTES

For approval:

There were no Meeting Minutes for approval.

For distribution:

There were no Meeting Minutes distributed.

PUBLIC HEARINGS

September 25, 2018 (Continued)

- **#2018-053-PR-SP:** Plenary Ruling Application, 340 Peaceable Street, Peaceable LLC

October 09, 2018 (Continued)

- **#2018-054-AH-SR:** Summary Ruling Application, 233 Danbury Road, CGP Danbury Road, LLC.

October 23, 2018

- **#2018-056-A:** Amendment application, Section 4.5

November 7, 2018

- **#2018-061-AH-SR:** Summary Ruling Application, 84 Governor Street, 84 Governor St LLC
- **#2018-062-AH-PR:** Plenary Ruling Application, 62 Prospect Ridge Road, 62 Prospect Street LLC.

Hearing no further discussion, the Chair adjourned the meeting at 10:11 P.M.

Respectfully Submitted,

Kara Illium

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Kara Illium, Recording Secretary

At 10:12 P.M., Chair Mucchetti called the meeting to order.

Ms. Mucchetti asked for a motion to move the rest of the items on the Planning and Zoning Agenda forward to the next regularly scheduled meeting. Mr. Dunphy motioned, Mr. Katz seconded. Motion carried 8-0.

NEW ITEMS

There were no new items on the Agenda.

COMMISSION WALKS

October 21, 2018

1. **#2018-061-AH-SR:** Affordable Housing application, 84 Governor St LLC.
2. **#2018-062-AH-PR:** Affordable Housing Application, 62 Prospect Ridge LLC.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for Bond releases or reductions.

CORRESPONDENCE

There was no correspondence for distribution.

MINUTES

For approval:

There were no minutes for approval.

For distribution:

There were no meeting minutes distributed.

PUBLIC HEARINGS

September 25, 2018 (Continued)

- **#2018-053-PR-SP:** Plenary Ruling Application, 340 Peaceable Street, Peaceable LLC

October 09, 2018 (Continued)

- **(Continued) #2018-054-AH-SR:** Affordable Housing Application, 233 Danbury Road, CGP Danbury Road, LLC.

October 23, 2018

- **#2018-045-A:** Amendment Application, Section 5.3.C.12 and Section 5.3.D.5
- **#2018-046-A:** Amendment Application, Section 2.2 and 7.2.E.10 a. and b.
- **#2018-047-A:** Amendment Application, Section 7.2.D.2.b and d. and Section 7.2.E.11
- **#2018-052-A:** Amendment Application, Section 5.3.D.27 a. and b.

November 7, 2018

- **#2018-061-AH-SR:** Affordable Housing Application, 84 Governor Street, 84 Governor St LLC
- **#2018-062-AH-PR:** Affordable Housing Application, 62 Prospect Ridge Road, 62 Prospect Street LLC.

Hearing no further discussion, the Chair adjourned the meeting at 10:13 P.M.

Respectfully Submitted,

Kara Illium