

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION
INLAND WETLANDS BOARD
EXECUTIVE SESSION

May 24, 2016

Present: Stephen Cole
George Hanlon
John Katz
Di Masters
Rebecca Mucchetti, Chairman
Joseph Fossi, Vice Chairman

Absent: Peter Chipouras
Tim Dunphy
Mark Zeck

Also Present: Thomas Beecher, Esq.
Betty Brosius, Director of Planning
Adam Schnell, Assistant Planner

At 7:00 p.m., Chairman Mucchetti asked for a motion to go into Executive Session with Commission Counsel, the Director of Planning/Inland Wetlands Agent and the Assistant Planner to attend.

Mr. Katz motioned, seconded by Mr. Fossi, to enter into executive session. The motion passed, 6-0.

Discussion was held regarding the following pending litigation:

- 107 Cooper Road

At 7:30 p.m., the Commission ended the Executive Session.

Chairman Mucchetti stated that there were no motions, no votes and no actions taken during the Executive Session. The meeting closed at 7:30 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

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

May 24, 2016

Present: Stephen Cole
George Hanlon
John Katz
Di Masters
Rebecca Mucchetti, Chairman
Joseph Fossi, Vice Chairman

Absent: Peter Chipouras
Tim Dunphy
Mark Zeck

Also Present: Betty Brosius, Wetland Agent
Adam Schnell, Assistant Planner
Lise Read, Recording Secretary

Inland Wetlands and Planning and Zoning Public Hearings were held prior to the meeting.

At 8:12 PM Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **PUBLIC HEARING CONTINUED: #2016-025-SP-FP-SR:** Summary Ruling under Sec. 7.5 of the Inland Wetlands and Watercourses regulations to permit prior grading and filling within the wetlands on 1.39± acres at **4 Wooster Street** in the RAA zone. *Applicant/Record Owner: Lisa and Matthew Conway. Statutorily received on 3/8/2016. Public hearing held 04/19/2016. 35 days for a decision 06/23/2016. For discussion and action.*

The above Public Hearing did not close and has been continued, with an extension from the applicant, to 6/7/16.

NEW ITEMS

1. **ORDER TO CEASE AND DESIST AND SHOW CAUSE HEARING: #2016-049-WV:** Violation of Wetlands Permit pursuant to 13.3.1(b) of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield for activities on a site where no permit has been issued, for a violation resulting from activities and operations adjacent to, within or in any way affecting regulated wetlands on Bennetts Farm Road (Lot E06-0017). *Owner: Stephen J. Courtney. Cease & Desist issued May 16, 2016. For discussion and Confirmation of Order.*

Also Present: Attorney Thomas Beecher
Ms. Beth Peyser, Inland Wetlands Agent
Mr. Richard Baldelli, ZEO
Mr. Stephen Courtney, Property Owner

For the record, Mr. Courtney was noticed by regular mail, certified mail and CT State Marshal of the Cease & Desist Order and Show Cause Hearing. He was not present at the first 15 minutes of the hearing.

Attorney Beecher began by explaining the procedures for a Show Cause Hearing. He described that this is a hearing on an enforcement matter of the Town of Ridgefield Inland Wetlands and Flood Plain Regulations and State Statutes. It is a hearing to gather facts first from Town staff, then the property owner and finally any witnesses. It is an evidentiary hearing not a public hearing. Once completed, the Board may then vote to uphold the order, withdraw the order or amend the order and the Board will have 10 days to make that decision through a Resolution to Remedy. (Note: Mr. Courtney did not arrive until 8:27pm, in the middle of Ms. Beth Peyser presentation, and Attorney Beecher briefly explained the procedures again for the benefit of Mr. Courtney.)

Ms. Peyser then read through her timeline from a document titled "Timeline of Events" and she had photographs to coincide with her timeline. The issue is the approximately 75-100 yards of earth material dumped on the subject property with no permits and no erosion and sedimentation controls installed, and the activities and operations are adjacent to, within or affecting regulated wetlands. When asked to remove the material, it appeared that some of the material had been removed but much of it was spread and compacted into the ground acting as fill. There is a question as to whether some of the fill has ended up in the wetlands and flood plain area. Because the condition of the site has now changed, the remedy is no longer to simply remove the fill because it would create additional earth disturbance and negative impact to the site. The remedy is to cease work and appear at this Show Cause Hearing in front of the Inland Wetlands Board, following which a new Order or revised Order may be created.

Mr. Baldelli explained his notice of violations and the issuance of the Cease & Desist Order from a zoning enforcement standpoint. He explained that property owner had fill brought into a flood zone area without a permit, that there was excavation and grading done without a permit and the property owner failed to submit an erosion control plan. There was a time frame to remedy the situation by removing the material but instead, the material had been spread and compacted on the property, the deadline had passed and so Mr. Baldelli ordered the Cease and Desist.

Agent Brosius explained her memorandum of May 24th, 2016 which in part describes the history of the property, past applications and interactions with Mr. Courtney.

Mr. Courtney then spoke stating that he had brought in material (6 piles totaling approximately 72 yards which came from 223 Mountain Rd) but has removed an enormous amount of material, estimated at 51 yards. The remainder of material is rock and gravel. He wants to keep the limestone rock and maybe 5 or 6 yards of gravel can still be removed if necessary. He mentioned Attorney Beecher's letter of May 9, 2016 to where it was explained to him that he needs to file proper applications for permits according to the Inland Wetlands Regulations by May 27, 2016 and not remove all the material by May 27th as he misunderstood. Mr. Courtney would not commit to knowing he was dumping material in an upland review area without a permit and denied the spreading of the material into the wetlands. He expressed his frustration with Town staff and the regulations and in return it was explained to Mr. Courtney that it was due to neighbor complaints that the Wetlands Agent and Zoning Enforcement Officer had to visit the site.

Discussion ensued, the hearing remains open and Board consensus was the following:

The applicant will hire Mr. Frank Fowler, PE to stake the points of the previously flagged wetlands based on a February 2000 year from the Planning Department files, and produce a map of the wetlands and flood plain area. No further activity will be allowed to occur until the Board has made a final decision. In addition, the Board will walk the property on 6/5/16 and the Show Cause Hearing will be continued to 6/21/16.

BOARD WALKS

Scheduled:

- Violation of Wetlands Permit, Bennetts Farm Road (Lot E06-0017). *Owner: Stephen J. Courtney.*

The above Board walk has been scheduled for June 5, 2016.

June 5, 2016

- **#2016-046-SR**, 199 North Street, *Matthew Rutig*

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

For Approval:

Mr. Hanlon motioned, Ms. Masters seconded to approve the Meeting Minutes for May 17, 2016 as presented. Motion carried 6-0.

For Distribution:

There were no Meeting Minutes to distribute.

PUBLIC HEARINGS

Continued:

- **(Continued) #2016-025-SP-FP-SR:** Summary Ruling application, **4 Wooster Street, Lisa and Matthew Conway**

This Public Hearing has been continued to June 7, 2016.

June 7, 2016:

- **(Continued) #2016-012-REZ-SP-SR:** Summary Ruling, **509 Main Street, 509 Main Street, LLC.**

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

May 24, 2016

Present: Stephen Cole
George Hanlon
John Katz
Di Masters
Rebecca Mucchetti, Chairman
Joseph Fossi, Vice Chairman

Absent: Peter Chipouras
Tim Dunphy
Mark Zeck

Also Present: Betty Brosius, Director of Planning
Adam Schnell, Assistant Planner
Lise Read, Recording Secretary

Inland Wetlands and Planning and Zoning Public Hearings were held prior to the Inland Wetland Meeting.

At 9:25 PM Chairman Mucchetti called the meeting to order.

PENDING ITEMS

- 1. PUBLIC HEARING CONTINUED: #2016-025-SP-FP-SR:** (1) Special Permit Application under Section 9.2.A.7 of the Town of Ridgefield Zoning Regulations per Section 3.3.D.1 for approval of an existing accessory dwelling unit above a garage, and (2) Site Plan Application for Flood Plain Development under Section 11.5 for the approval of prior grading and filling and shed construction within the flood plain on 1.39± acres at **4 Wooster Street** in the RAA zone. *Statutorily received on 3/8/2016. Public hearing held 04/19/2016. 65 days for a decision 07/23/2016. For discussion and action.*

The above Public Hearing did not close and has been continued, with an extension from the applicant, to 6/7/16.

- 2. IF PUBLIC HEARING IS CLOSED: #2016-029-A:** Proposed amendments to Section 3.3.C.1- Accessory Dwelling Unit (Affordable), amendments to Section 3.3.C.2- Accessory Dwelling Unit (Senior), and amendments to Section 3.3.D.1- Accessory Dwelling Unit of the Town of Ridgefield Zoning Regulations. *Commission Initiated. Distributed 03/22/2016. For discussion and action.*

The above Public Hearing has been rescheduled and will be re-noticed for 6/21/16.

- 3. IF PUBLIC HEARING IS CLOSED: #2016-039-A:** Proposed amendment to Section 3.2.C.15 to remove provisions allowing increased lot coverage for existing single-family residences on residential parcels of with less than two acres(140% Rule). *Commission Initiated. Distributed 4/12/2016. For discussion and action.*

The above Public Hearing has been rescheduled and will be re-noticed for 6/21/16.

- 4. #2016-045-SP:** Special Permit under Section 9.2 and pursuant to Section 3.3.D.2 of the Town of Ridgefield Zoning regulations for a home-based business within a detached structure on ±1.816 acres at **3 Palmer Court** in the RAA zone. *Owners: Michael and Anna Harmon. Applicant: Michael Harmon. Statutorily Received 5/17/2016. Application withdrawn 5/23/2016. Notification of application withdrawal.*

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

NEW ITEMS

- 5. #2016-054-VDC:** Village District application for the placement of an awning at **409 Main Street** in the CBD zone. *Owner: Elisabeth Salvi. Applicant: Tammy Zinick of Permit Me, Please. Statutorily Received 5/23/2016. For receipt and action.*

Mr. Katz motioned, Ms. Masters seconded to approve the above Village District application as presented and approved by the VDC and as a Final Resolution with standard conditions. Motion carried 6-0.

- 6.** Proposed amendment to permit assisted living/memory care facilities in the B-2 and B-3 Zones, % P.D.

Planner Brosius briefly explained the reasoning for the proposed amendment.

Vice Chairman Fossi motioned, Mr. Hanlon seconded to schedule a Public Hearing for the above proposed Zoning Regulations amendment for 6/28/16. Motion carried 6-0.

COMMISSION WALKS

Withdrawn:

- **#2016-045-SP**, 3 Palmer Court, *Michael and Anna Harmon (Withdrawn)*

The above application has been withdrawn so no Commission walk was scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

- Request for bond release: #2014-043-SP-VDC: \$50,000 bond posted for paving and landscaping at **27 Governor Street** (RVNA). C of O issued, building occupied. *PD recommends full release.*

Mr. Katz motioned, Mr. Hanlon seconded to approve the full release of the above request for bond release. Motion carried 6-0.

CORRESPONDENCE

Chairman Mucchetti noted the following pieces of correspondence.

1. A letter dated 5/18/16 from Mr. Michael Lillis, CCA, LLC regarding 509 Main St.

MINUTES

For Approval:

Mr. Katz motioned, Mr. Hanlon seconded to approve the Meeting Minutes for May 17, 2016 as amended. Motion carried 6-0.

For Distribution:

There were no Meeting Minutes to distribute.

PUBLIC HEARINGS

Scheduled:

- Proposed amendment to permit assisted living/memory care facilities in the B-2 and B-3 Zones, % P.D.

The above Public Hearing was scheduled for June 28, 2016.

Continued:

- **(Continued)# #2016-025-SP-FP-SR:** Special Permit application, **4 Wooster Street**, *Lisa and Matthew Conway.*

The above Public Hearing has been continued to June 7, 2016.

Rescheduled:

- **#2016-029-A:** Amendment/ Accessory Dwelling Unit. *Commission Initiated.*
- **#2016-039-A:** Amendment/140% Rule. *Commission Initiated.*

The above Public Hearings have been rescheduled to June 21, 2016.

June 7, 216:

- **(Continued)#2016-012-REZ-SP-SR:** Rezone and Special Permit, **509 Main Street, 509 Main Street, LLC.**
- **#2016-044-SP:** Special Permit, **30 Dowling Drive,** Ida Silvestri

Hearing no further discussion, the Chairman adjourned the meeting at 9:35 PM.

Respectfully Submitted,

Lise B. Read
Recording Secretary