

PUBLIC HEARING & TOWN MEETING

Notice is hereby given that a Public Hearing and Town Meeting will be held on Wednesday, March 4th, 2020 at 7:30 PM, Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to hear and vote on the proposed Demolition Ordinance.

RECEIVED
@ 11:34 am
FEB 24 2020
BY TOWN CLERK'S OFFICE
RIDGEFIELD CT
Wendy Gannon Lionetti

A copy of the proposed ordinance can be obtained from the Town Clerks Office, First Selectman's Office or the Town website; www.ridgefieldct.org



TOWN OF RIDGEFIELD
Office of the First Selectman

March 6, 2020

Wendy Gannon Lionetti
Town Clerk

This is to affirm that the legal public notice for the Public Hearing & Special Town Meeting of March 4th, 2020 appeared in *The Ridgefield Press* on February 27th, 2020.



Amy Escribano
First Selectman's Office

Special Town Meeting March 4, 2020

The First Selectman, Rudy Marconi, called the meeting to order at 8:09 pm after the Public Hearing on the same subject matter in the large conference room of Town Hall. The Pledge of Allegiance was said at the beginning of the Public Hearing.

R. Marconi stated that the first item of business was to appoint a Moderator. **John Katz of Ridgebury Road moved and Rebecca Mucchetti of Wilton Road East seconded the motion to appoint Ed Tyrrell Moderator for the Special Town Meeting. The "Aye" votes were unanimous and Ed Tyrrell was appointed Moderator.**

Moderator Ed Tyrrell called the meeting to order and requested a motion to appoint a secretary. **Barbara Manners moved and Helen Dimos of Barlow Mountain Road seconded the motion to appoint Wendy Gannon Lionetti, Town Clerk, secretary. The "Aye" votes were unanimous and Wendy Gannon Lionetti was appointed secretary.**

Ed Tyrrell read the legal notice of the meeting that appears above to consider and vote on the proposed demolition delay ordinance. The proposed ordinance appears below:

CHAPTER 136. - BUILDINGS, DEMOLITION OF
Sec. 136-1. - Definitions.

For the purposes of this chapter, the following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant: Any person or entity who files an application with the Town of Ridgefield for a demolition permit.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Demolition means any wrecking activity directed to the disassembling, dismantling, dismembering of any structure or building.

Structure means an assembly of materials above or below ground level forming a construction for occupancy or other use.

Sec. 136-2. – Permit required; requisites for issuance.

- A. Permits are required pursuant to Chapter 541, part IV of the Connecticut General Statute Demolition Code which provides that:
 1. No person, firm, corporation or other entity shall demolish any building, structure or part thereof without first obtaining a permit from the Building Department.
 2. Swimming pools and certain other structures are exempt from said permit requirements pursuant to Connecticut State Building Code Section 105.2.
- B. The permit application shall include the following:
 1. The common name, if any, and actual street address of the building or structure to be demolished.
 2. Tax Assessor's map and lot identification.
 3. The name, address and telephone number of the owner of the building or structure to be demolished.
 4. If the property is located within the Ridgefield Historic Districts, an issued Certificate of Appropriateness from the Ridgefield Historic District Commission.
 5. Inspection report indicating the presence of or absence of Asbestos.
 6. A copy of the Notification to the State of Connecticut Department of Public Health if Asbestos is found present.
 7. The applicant shall also provide documentation that it is in compliance with Connecticut General Statute Chapter 541, section 29 402, License for Demolition Business; Fees; Refusal or Revocation Exemptions, and 29 406, Permit for Demolition of Particular Structure. Exemption. Waiting period.
 8. As required by Chapter 541 of the Connecticut General Statutes 29 407 Notices(s) of Intent to Demolish A Structure letter to the adjoining property Owners. A copy of the letter, postal receipt and return receipt to be presented with application.
 9. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Ridgefield Historic District Commission. A copy of the letter, postal receipt and return receipt to be presented with application.
 10. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Ridgefield Historical Society. A copy of the letter, postal receipt and return receipt to be presented with application.
 11. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Town Clerk and posted in the Town Clerk's office. A copy of the letter, postal receipt and return receipt to be presented with application.
- C. If the applicant is not the Owner of the premises upon which the building or structure is situated, the Owner must sign an authorization letter authorizing an applicant to proceed with the work on their behalf. If said applicant is not the demolition license certificate holder, then an additional letter of authorization shall be required for said individual.
- D. No permit shall be issued until:
 1. All the requirements set forth in Sec. 136 2 and 136 3 have been satisfied;
 2. Verification and approval of an Inland Wetlands Review; and
 3. Department of Public Works/Highway approval.

Sec. 136-3. – Notice requirements.

- A. As required by Sec. 136-2. A., the applicant desiring to perform such demolition shall provide a Notice of Intent to Demolish A Structure, via Registered or Certified mail to the following recipients:
 1. All adjoining owners of property;
 2. The Ridgefield Historic District Commission;
 3. The Ridgefield Historical Society; and
 4. Town Clerk.The Registered or Certified mail receipts shall be submitted to the Building Department at the time of the application.
- B. The Notice of Intent to Demolish A Structure shall contain at least the following information:
 1. Name and address of property owner;
 2. Property address to be demolished;
 3. Existing use of the property;
 4. Property Assessor's tax number; and
 5. Owner's signature.

Sec. 136-4. – Delay of issuance of building demolition permit.

- A. With respect to any application to demolish any building, structure or part thereof that was built before 1950 or is otherwise historically, architecturally or culturally significant, if a written objection together with the written support for such objection from either The Ridgefield Historic District Commission or The Ridgefield Historical Society, to the issuance of the demolition permit is filed with the Building Department via Registered or Certified mail by any individual, firm, corporation, organization or other entity within thirty (30) days following the date of the permit application acceptance by the Building Department, the chief Building Official, or his designee, shall delay the issuance of the permit for a period of ninety (90) days from the receipt of the initial written objection. If no objection to the demolition of the subject building, structure or part thereof is filed within thirty (30) days of the date of the permit application acceptance by the Building Department, the chief Building Official may issue the permit forthwith.
- B. The 90-day delay period is intended to provide an objecting party a reasonable period of time to further investigate the historical background and preservation benefit of the structure and to communicate with the property owner possible alternatives to the demolition of the structure.
- C. Notwithstanding the foregoing provisions of this chapter, the issuance of a demolition permit shall not be delayed more than ninety (90) days from the date an initial objection is filed to the issuance of a permit under subsection A above.
- D. During the waiting period referred to in this Section, the applicant shall take no action toward demolition of the building, structure or part thereof, including, but not limited to, site remediation and asbestos abatement. The provisions of this subsection shall not apply in the event that the Chief Building Official determines that compliance with the subsection would result in a danger to public health.

Sec. 136-5. - Violations and penalties.

- A. The Building Official is authorized to institute any and all actions or proceedings, in law or in equity, as he/she may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.
- B. During the application processing period and during the demolition delay period, if applicable, the owner shall take reasonable steps to protect the building or structure to prevent deterioration.
- C. Any person failing to abide by the provision of this chapter or Connecticut General Statutes Sections 29 401 through 29 415 shall be fined the maximum amount allowed or imprisoned not more than one (1) year or both pursuant to Connecticut General Statutes Section 29 414.

Sec. 136-6. - Emergency measures.

- A. Emergency measures shall be taken and enforced pursuant to Connecticut General Statutes 29-252a, otherwise known as the currently adopted building code.

The Moderator opened the floor for discussion.

Ed Tyrrell of 17 Pond Road stated he encourages all to vote against this ordinance. He is particularly offended by the section that allows us to put an offender in jail for a year. He thinks that Mr. Jewel makes many good points (Attorney Robert Jewel's letter was read at the Public Hearing) that are not being considered and if this ordinance is voted down, it would probably never get done.

Macklin Reid, Great Hill Road, supports the ordinance. Questioned the date of 1950—if we use this year in the ordinance, then thirty years from now, homes that would then be fifty years old would not be covered. Do we want to change that to fifty years or older?

Dan O'Brien of the Historic District Commission responded that we understand the point Mr. Reid is making and that it is a valid one. The Town has been without a demolition delay ordinance for a long time and would like to get one on the books. We hope to pass the ordinance as currently written and then can make adjustments in the future if so needed.

The Moderator then asked for a motion to approve. **Barbara Manners moved and Maureen Kozlark seconded the motion to approve the demolition delay ordinance. The "Aye" votes carried (1 Nay from Ed Tyrrell), and the ordinance was approved.**

John Katz moved and Rebecca Mucchetti seconded the motion to adjourn the meeting. The "Aye" votes were unanimous and the meeting adjourned at 8:15 p.m.

Respectfully submitted,
Wendy Gannon Lionetti, Town Clerk