



**APPROVED MINUTES**  
**Ridgefield Conservation Commission**  
Town Hall Annex, 66 Prospect Street  
Ridgefield, CT 06877  
(203) 431-2713 • [conservation@ridgefieldct.org](mailto:conservation@ridgefieldct.org)

**July 10, 2017**

A meeting of the Ridgefield Conservation Commission was held at the Town Hall Annex, 66 Prospect Street, Ridgefield, Connecticut 06877 on Monday, July 10, 2017 at 7:30 p.m.

The following members were present:

Susan Baker	Eric Beckenstein
Carroll Brewster	Jim Coyle
Jack Kace	Ben Oko
Alan Pilch	Kitsey Snow

The following members were absent: Tim Bishop, Dave Cronin and Dan Levine.

Mr. Coyle chaired the meeting. Colleen Lake was present to take minutes.

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## **1. APPROVAL OF MINUTES**

The minutes of the June 26, 2017 meeting were reviewed.

UPON motion duly made, seconded and carried, it was **RESOLVED** that the minutes of the meeting of June 26, 2017 are approved and ordered filed in the minute books of the Commission and the Town Hall.

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## **2. ENFORCEMENT REPORT**

Mr. Coyle reported on the 7/6/17 meeting attended by Mr. Shanholz, owner of 23 Stonewall Lane, his Attorney, Ed Shenkel, Jack Kace, Eric Beckenstein and Beth Peyser. The probable violations were discussed. Mr. Shanholz will get an updated property survey. Once the survey is complete, another site inspection and group meeting will be scheduled.

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## **3. CONTINUING TOPICS**

**a) Deer Committee** – A draft letter to accompany parcel approval was discussed. To date, the Deer Committee has not contacted the RCC.

**b) Great Swamp** – Mr. Brewster suggested the RCC become more proactive at monitoring Great Swamp. Mr. Pilch has been collecting data on water samples going in and out of the Swamp and will distribute the findings to the group. Ms. Snow will invite representatives from Harborwatch, an organization that does water quality testing of the Great Swamp, to attend an upcoming meeting.

**c) Tree Giveaway** – Dr. Oko is planning an event for participants of the tree giveaway in an effort to continue educating and encouraging stewardship among Ridgefield residents. Ms. Corley has offered her property as a possible site for the event.

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#### **4. PLANNING & ZONING COMMISSION, INLAND WETLANDS BOARD**

**a) Meetings for Attendance**

July 18 – Ms. Baker (36 Old Quarry)

Sep 5 – Mr. Bishop

Sep 19 – Ms. Snow

**b) New & Continued Business**

**Stormwater Regulation Rescission** – Mr. Coyle described the contentious 7/5/17 P&Z/IWB public hearing involving the rescission of Section 7.14 in the stormwater regulations. The RCC presented a position paper citing strong disapproval of the rescission and suggesting a more moderate approach of keeping the regulations in place while providing exemptions to address problem areas. After the public hearing was closed, P&Z/IWB voted to repeal the regulation. P&Z will form a committee to work on replacement regulations over the next year. The committee will include a rep from P&Z, RCC, CCA and Charlie Fisher. Mr. Coyle and Mr. Kace will meet with Ms. Mucchetti on 7/13/17 to discuss the matter further.

UPON motion duly made, seconded and unanimously carried, it was RESOLVED to approve the Interim Final Comments and send to P&Z/IWB as final and attach to these minutes as Addendum A.

**36 Old Quarry (Schlumberger Parking Area)** – The Interim Final comments for the parking area at the Philip Johnson Building and new theater were discussed.

UPON motion duly made, seconded and unanimously carried, it was AGREED to approve and submit the comments as final to P&Z/IWB and added to these minutes as Addendum B.

**Ridgefield Winter Club** – The developer of the project has asked to speak at an upcoming RCC meeting. The RCC is happy to have him attend at his convenience.

**Whitbeck Estate** – A probate hearing is set for 8/2/17.

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#### **5. OPEN SPACE**

Ms. Snow is supervising the summer workers this week and Ms. Baker will supervise the week of 7/17.

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#### **6. GOALS & PROJECTS**

The commissioners should send updates/comments on the spreadsheet to Mr. Coyle to be discussed in depth at a meeting in September.

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## **ADJOURNMENT**

UPON motion duly made, seconded and unanimously carried, the meeting adjourned at 9:20 p.m.

Respectfully submitted,  
Colleen Lake

# ADDENDUM A



## Ridgefield Conservation Commission

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July 11, 2017

Ms. Rebecca Mucchetti, Chairperson  
Planning & Zoning/IWB  
66 Prospect Street  
Ridgefield, CT 06877

### **Comments Regarding Item #2017-037-A: Amendment to RESCIND Section 7.14 Drainage Requirements and Storm Water Management of the Town of Ridgefield Zoning Regulations (adopted and effective May 13, 2016)**

Dear Ms. Mucchetti:

The Ridgefield Conservation Commission strongly opposes this amendment in its current form. Section 7.14 was properly adopted last year by a process that included a public hearing and town meeting. The zoning regulations prior to this adoption focused on stormwater from earth moving and construction activities. While control of stormwater from construction activities is important, far more stormwater is discharged from a site over the life of a facility, after construction is completed. Section 7.14 is intended to deal with post-development stormwater management while the existing Sections 7.5 and 7.6 are focused on construction activities.

That is why the State of Connecticut requires that all MS4 Municipal Stormwater dischargers (Ridgefield is one) implement a Section 7.14 like regulation in their development/redevelopment review process. Our Section 7.14 met this requirement, and Ridgefield was an early adopter, which we commend. Since we were an early adopter, a handful of unanticipated situations were encountered (all of these were candidates for less or no controls). However, the Section 7.14 process did work effectively for a number of projects.

### **Regulatory Background**

The General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 General Permit) is the product of a mandate by the US Environmental Protection Agency (USEPA) as part of its Stormwater Phase II rules in 1999. This general permit requires each municipality to take steps to keep the stormwater entering its storm sewer systems clean before that stormwater enters water bodies.

One important element of this permit is the requirement that towns implement public education programs to make residents aware that stormwater pollutants emanate from many of their everyday living activities, and to inform them of steps they can take to reduce pollutants in stormwater runoff.

## **Why Manage Stormwater?**

The goal of a stormwater management regulation is to require and promote the disconnection of stormwater runoff from the receiving stream. Engineers are particularly good at ensuring that runoff is collected efficiently from impervious surfaces and rapidly conveyed and discharged off the property, be it to a nearby stream or a storm drain in the street. The impacts of this efficiency are evident in our watercourses. We see “flashy” storm events, in which small rainfall events result in a torrent of water in our streams and drainage systems. Following the rainfall event, flow in the stream is significantly reduced, since so much less of the runoff enters the ground.

That is why our current stormwater regulations require that drainage systems address goals that include, but are not limited to:

- Maintaining pre-development site hydrology to the greatest extent possible.
- Preserving and protecting streams, channels, wetlands, waterbodies, watercourses and natural features that protect water quality.
- Reducing the post-development peak rate of runoff when compared to the existing conditions.
- Utilizing infiltration where appropriate to reduce stormwater runoff rate and volume, improve water quality and recharge groundwater.

## **Stormwater Management and Ridgefield Property Owners**

What is a benefit to one property owner – that the property owner does not have to be concerned with the increased runoff from their property – impacts the homeowner who is downgradient and receives the additional runoff. Or it may impact the town drainage facilities by overtaxing the existing storm drainage system in the street, which may no longer be capable of conveying the “flash” flood from the increased level of impervious surfaces.

The moneys that are “saved” by the property owner increasing impervious cover without some type of mitigation is then foisted onto the downgradient property owner. The costs and impacts include increased flooding, erosion of banks of watercourses, sedimentation as runoff that eroded upgradient lands is deposited on the downgradient property. These impacts also have a decidedly negative impact on water quality of the streams and waterbodies in our town.

The stormwater regulations are a reasonable way to balance these costs and impacts. Instead of the costs being borne solely by the downgradient homeowners, the costs and impacts of the new impervious cover are, at least in part, borne by the property owner who is creating the additional impact.

## **Rationale for the 12% Threshold for Impervious Cover**

In developing its regulations for MS4 municipal stormwater dischargers, the Connecticut Department of Energy and Environmental Protection (CTDEEP) established 12% impervious cover (IC) as the means to protect Connecticut’s aquatic life standards. The study by Christopher Bellucci of CTDEEP (*Stormwater and Aquatic Life: Making the Connection between Impervious Cover and Aquatic Life Impairments for TMDL<sup>1</sup> Development in Connecticut Streams*) established the

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<sup>1</sup> Total Maximum Daily Load is a term that defines the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

12% threshold as an IC target. This was based on correlating the percent IC upstream of macroinvertebrate monitoring locations with a final assessment of passing or failing Connecticut's aquatic life standards.

The general trend observed in these data was that the % IC was lower for streams that met Connecticut's aquatic life criteria than sites that did not meet Connecticut's aquatic life criteria, although there was some overlap in the upper quartile of the "meet" group with the lower quartile of the "do not meet" group. The study noted that "As the % IC in the contributing watershed increases to approximately 12%, no Applicable Streams met Connecticut's aquatic life criteria."

Also, in 2005–2006, CTDEEP conducted statewide research comparing stream health, as indicated by metrics for benthic macroinvertebrate populations, to watershed IC estimates provided by the Center for Land Use Education and Research (CLEAR) (<http://clear.uconn.edu/%5C/projects/TMDL/project/index.htm>). A total of 125 stream segments were studied; no stream segment with over 12% IC in its immediate upstream catchment area met the state's aquatic life criteria for a healthy stream. This became the foundational research supporting the IC-TMDL, which set the IC-TMDL goal as 11% (12% minus a 1% margin of safety).

So, the idea that no action need be taken until such time as the 12% IC threshold is met is absolutely incorrect. At this level of impervious surface cover, the receiving stream will not meet Connecticut's Aquatic Life Criteria.

## **In Conclusion**

We are opposed to this amendment in its current form for the following reasons:

- If Section 7.14 is rescinded, the review and control of stormwater discharges will be reduced for an unknown period of time until a new regulation is adopted and becomes effective.
- A number of large projects with significant stormwater impacts on wetlands including the Great Swamp are pending, including the Winter Park and the renovations to the former Schlumberger property.
- Section 7.5 (Excavation, Filling, and Grading) under Subsection D (Permitted Activities) requires that "all activities are conducted in full compliance with Subsection 7.14." Complete elimination of Section 7.14 would negate an important piece of Section 7.5, suggesting that Section 7.5 needs to be amended.
- Per Section 7.14, implementation of these standards in conjunction with Section 7.6 (Erosion and Sedimentation Control) "will minimize any unnecessary accelerated erosion and sedimentation." Rescinding Section 7.14 will not protect down-gradient property owners and aquatic life.
- While Sections 7.5 and 7.6 open the door to some stormwater considerations, they do not give Planning and Zoning the authority to request sufficient data to 1) consider low impact development alternatives, 2) evaluate impacts on impaired receiving waters, and 3) require Best Management Practices in all appropriate cases.

Importantly, there is a reasonable alternative. The regulation could be rescinded for a small number of single-family home stormwater projects while being rewritten. For example, the regulation could temporarily be suspended for properties that are zoned RAAA (3.0 acre minimum size) and RAA (2.0 acre minimum size) where the subject properties exceed the minimum required area of the district zone. (There are many properties that are smaller in size than the district zone into which they are designated due to later upzoning. The regulations still should pertain to these lots). For all other zoning districts, the regulations should continue as currently in place.

This approach would provide relief where needed but keep a strong regulation in effect for stormwater dischargers that are likely to be more problematic. In addition, an aggressive schedule should be set by the Planning and Zoning Commission for the enactment of a revised regulation in order to minimize any potential environmental damage.

Respectfully submitted by the Ridgefield Conservation Commission

### **Some References**

UConn Center for Land Use Education and Research, *Responding to an Impervious Cover-Based TMDL*, 2011.

Bellucci, Christopher, CT DEP, Bureau of Water Protection and Land Reuse, *Stormwater and Aquatic Life: Making the Connection Between Impervious Cover and Aquatic Life Impairments for TMDL Development in Connecticut Streams*, 2007.

## ADDENDUM B



**Ridgefield Conservation Commission  
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(203) 431-2713**

July 11, 2017

Ms. Rebecca Mucchetti, Chairman  
Planning & Zoning/IWB  
Town Hall Annex, 66 Prospect Street  
Ridgefield, CT 0687

**RE: Proposed Site Modifications at Schlumberger Property  
36 Quarry Road (Lot: E14-0162)**

Dear Ms. Mucchetti:

**Project Recommendations:**

- 1) The Conservation Commission recommends amending the drainage plan to capture and treat the water quality volume from: (a) the semi-circular access road from the driveway to the existing parking area to the north of the Philip Johnson Building to the driveway access to the new 64 space parking area to serve the theater building use, (b) the 90 parking spaces located to the north and west of the Philip Johnson Building to serve that building, and (c) the 50 space parking area to serve the theater use building.**
- 2) Although we agree that the use of hydrodynamic separators to remove coarse sediment and hydrocarbons from stormwater runoff is beneficial, we strongly recommend that the hydrodynamic separators be used as a pre-treatment facility prior to biological treatment (such as bioretention or other appropriate practices) which will also remove excessive nutrients found in runoff from being discharged from this redevelopment project to the nearby Great Swamp.**

**Project Summary:**

The project involves the construction of a new road (replacing an existing gravel road), the addition of 64 new parking spaces (50 in a new lot to be constructed and 14 added to an existing lot), walks, new lighting and landscaping. The Town of Ridgefield is the applicant.

According to the engineer's report, prior to the demolition of buildings in 2015, the property contained 4.38 acres of impervious surfaces. Under the current plan, the property will contain 3.05 acres. This is the rationale the applicant's engineer is using to conclude that no stormwater detention is needed. To protect downgradient water resources, the plan includes the installation of two hydrodynamic separators and two bioretention areas.

#### **COMMENTS:**

1. Runoff from the Parking Area Pavement Surfaces - With the close proximity of the largest wetland in town, the Great Swamp, to the immediate east of the property, we recommend that the grading and drainage plan be amended to provide for treatment of the water quality volume from all of the two parking areas (to serve the Philip Johnson Building and the theater building) and a portion of the road that connects the two. The Great Swamp receives flows from Ridgefield Brook and the center of town. In that the Brook does not meet its designated use classifications according to the DEEP due to polluted point and other stormwater discharges, and groundwater contamination, (2014 CT DEEP Integrated Water Quality Report), we recommend this as a reasonable step to improve the water quality of the discharges into the Brook and the Great Swamp.

2. Delineate the Drainage Areas to the Treatment Facilities - In reviewing the plans, it appears that the runoff from only a portion of the new impervious areas to be created in expanding the parking area to the west of the existing Philip Johnson building will be directed into the proposed bioretention facility to the east of the Philip Johnson building.

**Recommendation: The applicant's engineer needs to depict the boundary of the drainage area to the bioretention facility on a site plan. Calculate the impervious and pervious contributing areas.**

**Provision for an appropriately sized pre-treatment facility for the runoff being directed to the bioretention facility needs to be depicted on the plans.**

3. Delineate the Drainage Areas to the Other Treatment Facilities - As for the second bioretention facility shown to the east of the Philip Johnson building, it is unclear from the grading plan how runoff is proposed to be directed into that facility.

**Recommendation: As with the other bioretention facility, the applicant's engineer needs to depict the boundary of the drainage area to the bioretention facility. In addition, also calculate the impervious and pervious contributing areas to the bioretention facility.**

4. Paved Surface from Handicapped Parking Spots - A paved surface should be provided from the handicapped parking spots (parking lot) directly to the front door of the theater with no interruption. Note that the front door of the theater is not the original front door to the building.

Respectfully Submitted:

Alan L. Pilch, PE, RLA, on behalf of the Ridgefield Conservation Commission