



## TOWN OF RIDGEFIELD Inland Wetlands Board

### APPROVED/REVISED MINUTES

July 08, 2021

Members present: Patricia Sesto, chair, Tim Bishop, Tracey Miller, Alan Pilch, Kory Salomone  
secretary (left meeting at 7:30 PM), David Tatge

Members absent: Susan Baker, vice chair.

Also present: Andrew P. Hally, inland wetlands agent, Aarti Paranjape, office administrator;  
Matthew Mason, Gregory and Adams; Joseph Msays, Robert Jewell, Patrick,  
Downend, Kate Throckmorton, Environmental Land Solutions; Barbara Zebrecky,  
Peter Moritz.

#### **I: Call to order**

Ms. Sesto called the meeting to order at 7:00 P.M.

#### **II: Applications for Discussion:**

- 1. IW-21-27, 21 Bryon Avenue,** Summary Ruling Application and after-the-fact Permit Need determination for a corrective action for a violation within upland review area of wetlands. *Owner: Jennifer Kubick. Applicant: Matthew Mason.*

Ms. Sesto gave an overview about the violation where the homeowner cleared the wooded area and shrubs adjacent to the watercourse. The homeowners, as per section 4.2 of the wetland regulations, want to use the disturbed area for agricultural use; therefore, no permit required for the clearing activity.

Mr. Mason informed that the property is a part of a 7 lot subdivision. The proposed activity is at the western corner of the property. The flagged wetlands show the intermittent watercourse, which is usually dry other than at the times of heavy rains.

The Kubicks removed the tree cover areas and left the stumps and created a lawn and stonewall, although no filling was involved. The homeowners were unaware of the permit was required even though the activity in the upland review area was allowed as of right. The proposed activity includes growing and sale of pumpkins. The proposed shed compliments the use of activity as well.



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The Kubicks plan is to sell pumpkins as a nonprofit venture. The proposed activity of growing pumpkins will not have any negative impact on the wetlands. Hence the homeowner can continue with this as of right activity.

Ms. Sesto confirmed the wetland line showed is the intermittent watercourse and no wetlands are associated with it, and the farming area is in upland review area. She questioned the justification for the extent of clearing to accommodate the farming activity. She expressed concern that the area behind the shed shouldn't have been cleared and it doesn't compliment the proposed farming. While section 4.2 allows for clearing for agricultural use, the applicant needs to substantiate why the extent of clearing was needed.

Ms. Miller mentioned the proposed activity is a creation and not expansion of the agricultural use as stated in the letter submitted by Mr. Mason. She referenced the language of the regulations as allowing "expansion" of agricultural uses. Ms. Miller stated this insinuates an agricultural use already existed and should not apply to "creating" new cropland.

Discussion ensued regarding expansion vs creation. In the Kubick's case, the agriculture use was created.

Ms. Sesto asked Mr. Hally to check with Ms. Winther from DEEP to see if there is clear interpretation of the word expansion in reference to wetlands activity.

The Board asked Mr. Mason to justify following topics in relation to the proposed agricultural use:

- Purpose of the shed and size proposed
- Justification for tree cover removal
- Staff and applicant will endeavor to substantiate the intent of "expansion as used in the regulations.

Discussion was continued to July 22, 2021 meeting.

2. **IW-21-28, 80 Old South Salem**, Summary Ruling Application for extension of a deck in the upland review area of wetlands. *Owner/Applicant: Joseph Msays.*  
<https://ridgefieldct.viewpointcloud.com/records/82235>

Mr. Msays gave a brief description of the proposed expansion of the deck. The proposed deck is 65-75 feet away from the wetlands.



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Ms. Sesto expressed concerns regarding the landscape debris deposited near the wetlands flags 13-14 and suggested removal of the debris.

Ms. Miller confirmed the crushed stone will be used underneath the deck.

Mr. Msays was advised to have wetland flags surveyed to document the boundary for future use.

**Mr. Bishop made a motion to approve the summary ruling application with standard and applicable normal special conditions, and the additional special conditions the landscape debris by flags 13-14 be removed and to show the wetlands on the as-built survey. Mr. Tatge seconded. Motion carried 5-0-0.**

**The publication date is July 15, 2021 and publication date of July 16, 2021.**

3. **IW-21-29, 34 Bailey Avenue**, Summary Ruling application for remediation in the upland review area of the wetlands and construction of new building and parking area. *Owner: Bailey Rail and Granary LLC. Applicant: Robert R. Jewell, Esq.*  
<https://ridgefieldct.viewpointcloud.com/records/82306>

Mr. Jewell gave an overview of the application. The proposed activity involves new construction, environmental remediation, stream restoration, and demolition of existing building. The property is located in the Central Business District. The Branchville-Ridgefield Center rail line operated on-site from the 1880's to 1960's.

The property is being developed as mixed use with retail and residential mix in accord with the current zoning regulations. The existing building will be removed and replaced. The buildings are pulled back in order to create a sidewalk along Bailey Avenue. Parking includes under the building and around the premise, with associated stormwater management.

The proposed activity will have no significant impact on wetlands. The removal of environmental contamination will be an improvement to the existing conditions.

Ms. Throckmorton presented the landscaping and planting plans and described the existing conditions. The Ridgefield Brook enters the property from the east and is then piped under the property beginning at the headwall. A swale enters the property from the south and conveys stormwater to the brook. Invasive species will be removed. None of the trees will be removed on the east side of the brook. Post



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construction, native plantings will be added. The bio retention basin will improve the water quality; the green scape will provide a good habitat.

Ms. Sesto asked if the parking spaces on the property meet or exceed zoning requirements. Mr. Downend responded parking spots exceed the requirements by four spaces.

Mr. Bishop and Ms. Sesto asked if the applicant is retaining an environmental consultant for the contamination and what is the scope of remediation. Mr. Bishop acknowledged the remediation will be beneficial.

Discussion continued to July 22, 2021 meeting.

### III: Applications for Submission:

**1. IW-21-30, 76 Tally Ho Road,** Summary Ruling application construction of pool in upland review area of the wetlands. *Owner: Gregory Giordano. Applicant: Sara DeMici.*  
<https://ridgefieldct.viewpointcloud.com/records/82506>

**2. IW-21-31, 136 Limekiln Road,** Summary Ruling application for remediation in the upland review area of the wetlands. *Owner: Thomas J McCarthy Trustee. Applicant: Donna Culbert.*  
<https://ridgefieldct.viewpointcloud.com/records/82243>

**3. IW-21-33, 169 Nod Road,** Summary Ruling application for construction of inground pool in the upland review area of the wetlands. *Owner: Stephen & Joanna Chalaff. Applicant: Kate Throckmorton.*  
<https://ridgefieldct.viewpointcloud.com/records/82426>

**4. IW-21-34, 37 Griffith Lane,** Summary Ruling application for construction of detention basin in the upland review area of the wetlands. *Owner: Kenneth & Wendy Bradley. Applicant: Stephen Demarco.*  
<https://ridgefieldct.viewpointcloud.com/records/82535>

**5. IW-21-35, 48 Lewis Drive,** Summary Ruling application construction of pool in upland review area of the wetlands. *Owner: Joseph Grabowski. Applicant: Brian Carey.*  
<https://ridgefieldct.viewpointcloud.com/records/82598>



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**6. IW-21-36, 193 Danbury Road,** Summary Ruling application for construction of 2 pergolas over existing bocce courts within the upland review area of wetlands. *Owner: Ridgefield Senior Center Foundation,- TOR. Applicant: Katherine Throckmorton.*  
<https://ridgefieldct.viewpointcloud.com/records/82632>

**Mr. Pilch motioned to receive the six applications. Ms. Miller seconded. Motion carried 5-0-0. The sitewalk scheduled at July 18, 2021 and discussion on July 22, 2021.**

### **IV: Administrative Approvals:**

**1. IW-21-32, 18 Strawberry Ridge Road.** *Owner: Charles Pierterse.*

The applicant proposes installation of steps on the slope in the upland review area leading to the pond approximately 50 feet. The work doesn't involve any grading. The materials include wood and gravel. No heavy equipment will be involved.

**Mr. Bishop motioned to approve the administrative application. Mr. Tatge seconded. Ms. Miller was recused. Motion carried 4-0-0.**

Ms. Miller was reseated.

Ms. Sesto asked for a motion to add an application 15 Cedar Lane, IW-21-37 to the agenda.  
**Mr. Tatge motioned to add IW-21-37 and Mr. Pilch seconded. Motion carried 5-0-0.**

**2. IW-21-37, 15 Cedar Lane.** *Owner: Richard & Lisa Sauer.*

The application is for installation of a generator, an underground propane and stone walkout from the basement within the upland review area, approximately 50-60 feet away from the wetlands. There is minimal grading involved.

**Ms. Sesto motioned to approve the administrative application. Ms. Miller seconded. Motion carried 5-0-0.**

### **V. Ongoing Enforcement by Agent:**

- **33 Beaver Brook Road - Cease and Correct Order – Show Cause Hearing, Michael & Christine Caramadre**  
Mr. Caramadre will be submitting maps before hiring a surveyor. Mr. Hally conveyed the request of an extension.

Board agreed to the homeowner's request.



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- **104 Haviland Road;** Ken Rosenfield & Jill Kerpcher.

Mr. Hally stated a certified letter was sent to the homeowner requesting access. Mr. Hally will visit the property to inspect and take photographs.

- **25 Hessian Drive;** Joseph & Patricia Shea.

The homeowner requested discussion on the matter be delayed to the next meeting.

- **799 North Salem Road;** Peter Moritz.

Board was informed by Mr. Hally the property owner disturbed approximately 1,500 square feet of wetlands soils, which involved grubbing and removal of fallen trees also within 100 feet of intermittent watercourse.

The homeowner agreed to the description given by Mr. Hally and will submit a corrective application with replanting plan and the timeline to finish the work. The homeowner will try to submit the application before next meeting. The board agreed a September submission is fine, as well.

- **34 Rustic Road;** Felicia Clem.

The homeowner is in a violation where they cleared a town-owned land and converted into the lawn and associated sitework within the wetlands review area.

The homeowner is hiring an attorney and will address the violation.

### VI: Other Business:

1. NCRT- Dam #2 update.

Mr. Bishop and Ms. Baker attended the meeting.

Mr. Bishop updated the Board with the highlights:

- If the dam is decommissioned, it will devalue properties.
- First Selectman Marconi and town officials would like the restoration of the dam as opposed to removing it.
- If the State decides to not to pursue the decommissioning, then federal funding from will not be received.
- Residents were upset and an anti-dam activist group would like the dam to be restored.



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- Mr. Bishop suggested to Mr. Marconi that the Board can act as spokespersons regarding the wetlands issue.

Ms. Sesto suggested Mr. Hally, Mr. Bishop and Ms. Baker create a memo to be distributed to the Board members updating the facts about the dam and its progress.

2. Remote meetings vs In-person: Discussion/Vote.  
Following an expression of member preference and input from the public, the Board consensus was to keep having meetings via zoom. The Board will keep an option of having an in person meeting as they deem prudent. Proper notices will be sent to town clerk informing whether the meeting is held via zoom or in person.
3. IWRP-21-2, Referral Notice from Town of Redding.  
Mr. Hally contacted the Town of Redding, Conservation Commission member Mr. David Pattee. The hard copies of the proposed activity were sent to the office and those are uploaded on the online referral application. Mr Pattee informed Mr. Hally that the approval has already been granted by the Conservation Commission and now awaits Zoning approval.

The Board had no comments.

### **VII: Approval of Minutes:**

**Inland Wetlands Meeting – June 24, 2021**

**Mr. Pilch motioned, and Mr. Bishop seconded to approve the minutes as submitted.  
Motion carried 5-0-0**

**Sitewalk Meeting- June 27, 2021**

**Ms. Miller motioned and Mt. Tatge seconded. Motion carried 5-0-0.**

### **VIII. Adjourn**

Hearing no further discussion, Ms. Sesto adjourned the meeting at 8:56 P.M.

Respectfully submitted by,

Aarti Paranjape  
Recording Secretary